DOCUMENT RESUME

ED 325 918 EA 022 387

TITLE	Hearing on H.R. 3860, the Regulatory Impact on Student Excellence Act. Hearing before the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor. House of Representatives, One Hundred First Congress, Second Session.
INSTITUTION	Congress of the U.S., Washington, D.C. House Committee on Education and Labor.
PUB DATE	30 Jan 90
NOTE	81p.; Serial No. 101-79.
AVAILABLE FROM	Superintendent of Documents, Congressional Sales Office, U.S. Government Printing Office, Washington, DC 20402.
PUB TYPE	Legal/Legislative/Regulatory Materials (090)
EDRS PRICE	MF01/PC04 Plus Postage.
DESCRIPTORS	*Academic Achievement; Elementary Secondary Education; *Federal Legislation; Federal State Relationship; Hearings; *Noninstructional Responsibility; *Resource Allocation; State Action; Surveys; Teacher Response
IDENTIFIERS	Congress 101st

ABSTRACT

Testimony concerning the proposed Regulatory Impact on Student Excellence Act (RISE), a bill to assist schools in improving student performance, is reported. The text of the bill is given in full. It begins with Congress's finding that: (1) public school teachers are currently spending more time on regulatory paperwork; (2) many teachers have noted a decrease in available fiscal resources for education since 1980; (3) state-by-state data are lacking regarding compliance effects; and (4) student achievement would be improved if teachers had more time to teach and local education agencies had more resources to direct into the classroom. The purpose of the act is stated next; it is to require the Secretary of Education to assess the states and identify the new legal, regulatory, and organizational requirements affecting each state's educational practices so that informed decisions may be made regarding regulatory requirements detracting from student achievement. Also explained are specific issues for analysis and specifications for preparing a report to Congress. Positive testimony for the bill was given by representatives of the National School Boards Association, the American Association of School Administrators, the National Education Association, and the National Governors' Association. The speaker for the last group expressed the hope that the federal survey be coordinated with the Governors' own ongoing survey on school restructuring. (MLH)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

HEARING ON H.R. 3860, THE REGULATORY IMPACT ON STUDENT EXCELLENCE ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES

ONE HUNDRED FIRST CONGRESS

SECOND SESSION

HEARING HELD IN WASHINGTON, DC, JANUARY 30, 1990

Serial No. 101-79

Printed for the use of the Committee on Education and Labor

ED325918

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

✓ This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

U.S. GOVERNMENT PRINTING OFFICE

26-620 —

WASHINGTON : 1990

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

EA 022 387

COMMITTEE ON EDUCATION AND LABOR

AUGUSTUS F. HAWKINS, California, *Chairman*

WILLIAM D. FORD, Michigan
JOSEPH M. GAYDOS, Pennsylvania
WILLIAM (BILL) CLAY, Missouri
GEORGE MILLER, California
AUSTIN J. MURPHY, Pennsylvania
DALE E. KILDEE, Michigan
PAT WILLIAMS, Montana
MATTHEW G. MARTINEZ, California
MAJOR R. OWENS, New York
CHARLES A. HAYES, Illinois
CARL C. PERKINS, Kentucky
THOMAS C. SAWYER, Ohio
DONALD M. PAYNE, New Jersey
NITA M. LOWEY, New York
GLENN POSHARD, Illinois
JOLENE UNSOELD, Washington
NICK JOE RAHALL II, West Virginia
JAIME B. FUSTER, Puerto Rico
PETER J. VISCLOSKY, Indiana
JIM JONTZ, Indiana
KWEISI MFUME, Maryland

WILLIAM F. GOODLING, Pennsylvania
E. THOMAS COLEMAN, Missouri
THOMAS E. PETRI, Wisconsin
MARGE ROUKEMA, New Jersey
STEVE GUNDERSON, Wisconsin
STEVE BARTLETT, Texas
THOMAS J. TAUKE, Iowa
HARRIS W. FAWELL, Illinois
PAUL B. HENRY, Michigan
FRED GRANDY, Iowa
CASS BALLENGER, North Carolina
PETER SMITH, Vermont
TOMMY F. ROBINSON, Arkansas

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

AUGUSTUS F. HAWKINS, California, *Chairman*

WILLIAM D. FORD, Michigan
GEORGE MILLER, California
DALE E. KILDEE, Michigan
PAT WILLIAMS, Montana
MATTHEW G. MARTINEZ, California
CARL C. PERKINS, Kentucky
CHARLES A. HAYES, Illinois
THOMAS C. SAWYER, Ohio
MAJOR R. OWENS, New York
DONALD M. PAYNE, New Jersey
NITA M. LOWEY, New York
GLENN POSHARD, Illinois
JOLENE UNSOELD, Washington
NICK JOE RAHALL II, West Virginia

WILLIAM F. GOODLING, Pennsylvania
HARRIS W. FAWELL, Illinois
FRED GRANDY, Iowa
PETER SMITH, Vermont
STEVE BARTLETT, Texas
STEVE GUNDERSON, Wisconsin
THOMAS E. PETRI, Wisconsin
MARGE ROUKEMA, New Jersey
E. THOMAS COLEMAN, Missouri

CONTENTS

	Page
Hearing held in Washington, DC, January 30, 1990	1
Text of H.R. 3860	2
Statement of:	
Bradshaw, Roxanne, Secretary-Treasurer, National Education Association	37
Oglesby, James R., President, National School Board Association	9
Patterson, Harold D., Superintendent of Schools, Guntersville City Schools, representing the American Association of School Administrators	28
Willis, Mary, Education Advisor, Office of Governor Carroll Campbell, representing the National Governors' Association	47
Prepared statements, letters, supplemental materials, et cetera:	
Bradshaw, Roxanne, Secretary-Treasurer, National Education Association, prepared statement of	39
Hawkins, Hon. Augustus F., a Representative in Congress from the State of California, fact sheet and summary of the Regulatory Impact on Student Excellence Act	76
Oglesby, James R., President, National School Board Association, prepared statement of	13
Patterson, Harold D., Superintendent of Schools, Guntersville City Schools, representing the American Association of School Administrators, prepared statement of	31
Willis, Mary, Education Advisor, Office of Governor Carroll Campbell, representing the National Governors' Association, prepared statement of	52

H.R. 3860, THE REGULATORY IMPACT ON STUDENT EXCELLENCE ACT

TUESDAY, JANUARY 30, 1990

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ELEMENTARY, SECONDARY,
AND VOCATIONAL EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:35 in Room 2175, Rayburn House Office Building, Hon. Augustus F. Hawkins [Chairman] presiding.

Members present: Representatives Martinez, Payne, Poshard, Unsoeld, Goodling, Smith, and Gunderson.

Staff present: John Jennings, counsel; Diane Stark, legislative specialist; Beverly Griffin, research assistant; and Jo-Marie St. Martin, counsel.

Chairman HAWKINS. The Subcommittee on Elementary, Secondary, and Vocational Education is called to order. This morning the subcommittee is considering H.R. 3860, the Regulatory Impact on Student Excellence Act.

The Chair has a statement which I hope I will have permission to put into the record in its entirety because we have some excellent witnesses and we would like to devote the full time to them and describe some of the provisions and the purpose of the Regulatory Impact on Student Excellence Act as we go along, and we'll do so.

[The text of H.R. 3860 follows.]

101ST CONGRESS
2D SESSION

H. R. 3860

To assist schools in improving student performance.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 1990

Mr. HAWKINS (for himself and Mr. OWENS of New York) introduced the following bill; which was referred to the Committee on Education and Labor

---

A BILL

To assist schools in improving student performance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulatory Impact on Student Excellence Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) Since 1980, many public school teachers are spending more time on nonteaching duties, such as filling out reports and doing other paperwork, and subsequently may have less time to spend on teaching.

(2) Many public school teachers feel that there has been a decrease in fiscal resources available directly to schools since 1980.

(3) Currently, there is a lack of State by State data regarding the amount of regulatory and other requirements to which local educational agencies must comply.

(4) Achievement of students would be improved if teachers had more time to teach and local educational agencies had more resources to direct into the classroom.

(b) PURPOSE.—The purpose of this Act is to require the Secretary to conduct an assessment of the States in order to identify the new legal, regulatory, and organizational requirements that affect educational practices within each State so that the Congress and the chief executive officer, chief State school officer, and legislative leaders of each State will have a factual basis to make informed decisions regarding regulatory requirements that may detract from student achievement.

SEC. 3. ASSESSMENT TO ASSIST CONGRESS, STATES, AND SCHOOLS IN IMPROVING STUDENT PERFORMANCE.

(a) REPORT ON THE PUBLIC SCHOOLS.—In order to assist State and local educational agencies and teachers in

focusing more time and resources on improving student performance, the Secretary of Education shall, not later than January 1, 1991, prepare a report on the public schools of each State.

(b) CONTENTS OF REPORT.—The report shall describe the administration of public education within each State and identify the new legal, regulatory, and organizational requirements promulgated since 1980 that affect educational practices. The report shall identify such new requirements by the governmental entity (Federal or State) promulgating such requirement. The report shall analyze the impact of such new legal, regulatory, and organizational requirements on the time and resources local educational agencies have available for educating students, including fiscal resources, staff time, facilities, instructional equipment, and services. The report shall determine the extent to which such new requirements have increased or decreased since 1980 and the reasons for such change. The report shall also make recommendations on how best to simplify the Federal and/or State regulations so that more resources can be devoted to improving student performance.

(c) SPECIFIC ISSUES FOR ANALYSIS.—In preparing the report on new requirements imposed since 1980, the Secretary of Education shall analyze for each State—

(1) the amount of resources, if any, that local educational agencies must direct to complying with new mandates and other new legal and regulatory requirements directly related to the education of students, including mandated curricula and student-teacher ratios;

(2) the amount of resources, if any, that local educational agencies must expend to meet new mandates and other new legal and regulatory requirements that are not directly related to the education of students;

(3) the amount of time, if any, that school personnel must spend responding to new requests for data and completing new reports to fulfill Federal or State requirements;

(4) the amount of time, if any, that administrators must spend responding to the paperwork requirements that result from new legal, regulatory, and organizational requirements;

(5) the effect of any new legal and regulatory requirements on the ability of local educational practices, including the impact of such requirements on local flexibility and control over the classroom and school building management; and

(6) the degree to which any Federal or State requirements have been reduced since 1980 and how such a reduction was achieved.

(d) DISTRIBUTION OF REPORT.—The appropriate State report shall be submitted to the chief executive officer, chief State school officer, legislative leaders of each State, and major State education organizations by January 1, 1991.

(e) SUMMARY REPORT TO THE CONGRESS.—A summary report on all States shall be submitted by the Secretary to the Congress not later than January 1, 1991. Such summary report shall include a chart comparing the findings in each of the States and shall rank the States according to the degree of regulatory burden within each State.

(f) UPDATE OF REPORT.—By January 1 of each year, the Secretary shall update each State report and the summary report to the Congress, illustrating where Federal or State requirements have increased or decreased during the previous year.

(g) CONSULTATION WITH THE CONGRESS.—The Secretary shall consult with the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate by June 1, 1990, concerning the report's design.

SEC. 4. DEFINITIONS.

As used in this Act—

(1) The term "State" shall mean all 50 States and the District of Columbia; and

(2) all other terms shall have the meanings provided under the Elementary and Secondary Education Act of 1965.

Chairman HAWKINS. At this time I will yield to any of the members who care to make a statement at this time. Mr. Goodling, do you care to——

Mr. GOODLING. Yes, I do.

Chairman HAWKINS. Go ahead.

Mr. GOODLING. A brief statement, Mr. Chairman.

Chairman HAWKINS. Mr. Goodling.

Mr. GOODLING. I am pleased that we're planning to take a careful look at the number and types of regulations imposed on local school districts. I hope the study will not only look at state regulations but consider all regulations imposed on a school.

I would include those non-regulatory forces that affect a local school's control over educational services, such as the effect of judicial case law and liability, auditing constraints, and even such things as teacher contracts and labor disputes.

Furthermore, I would hope that this study consider not only the administrative time on paperwork but the effect of decreasing the flexibility and control over the classroom and school building management.

Chairman HAWKINS. Thank you. Mr. Martinez.

Mr. MARTINEZ. Mr. Chairman, I have no statement.

Chairman HAWKINS. No statement. The Chair is only concerned that as we proceed that the witnesses will try to be specific to the extent possible.

The subject of deregulation is sometimes called flexibility and other names, exotic names. It is certainly one of the major issues. The Chair is not so much impressed with the fact that this is what is wrong in American education as much as some others.

But we have an open mind and we hope that regulations, or any of the other restrictions referred to by Mr. Goodling, will certainly be put on the table and let us know what it is that seems to be preventing some people from doing the job of educating American children.

So we appreciate the opportunity to listen to the witnesses this morning. I'll call them in the order in which they have been scheduled, and I invite them to join us at the witness table.

Let me assure them that their statements in their entirety will be entered in the record and we hope that they will devote themselves to the highlights and leave time for questioning. It will be very informal and witnesses may question each other as far as the committee is concerned.

Mr. James R. Oglesby, President of the National School Boards Association. Pardon me for stumbling over your name, Jim.

Dr. Harold D. Patterson, Superintendent of Schools, Guntersville City Schools in Alabama, representing the American Association of School Administrators.

Ms. Roxanne Bradshaw, Secretary-Treasurer, National Education Association.

Ms. Mary Willis, Education Advisor, Office of Governor Carroll Campbell, Columbia, South Carolina. She is representing the National Governor's Association.

We'll take them in the order beginning with Mr. Oglesby, President of the National School Boards Association.

STATEMENT OF JAMES R. OGLESBY, PRESIDENT, NATIONAL SCHOOL BOARD ASSOCIATION

Mr. OGLESBY. Good morning, Mr. Chairman. My name is Jim Oglesby. I am President of the National School Board Association.

The National School Board Association represents over 96,000 school board members around the Nation. Ninety-five percent of those members are elected, about five percent of them are appointed. We educate more than 95 percent of the Nation's school children.

I appreciate the opportunity to testify before you this morning on legislation regarding the Regulatory Impact on Student Excellence Act.

We commend the committee for its continuing attention to the impact of regulations on the quality of education. Your work in making Chapter 1 more flexible in the Hawkins-Stafford Amendment of 1988 and the recently passed vocational educational will greatly increase the effectiveness of these programs in local school districts.

We commend the committee for its efforts to identify both the state's and the Federal Government's share in the responsibility to simplify these regulations. This is very important to us at the local level. With several refinements, NSBA supports this legislation. It will also recommend to the committee ways the RISE can be expanded to include an important Federal role.

First, NSBA supports the need for each state to examine critically the impact of state and Federal regulations on the ability of local school districts to provide a quality education.

States, in particular, have added many new regulations in the last decade that affect how local school districts must operate. While usually done with best intentions as a part of the state reform effort, all too often they get in the way of innovations or they are not fully funded.

In the State of Texas, for example, the Texas School Board Association has initiated a mandate watch specifically designed to monitor new state laws and regulations.

We believe that RISE can significantly be strengthened by two requirements that, number one, guarantees local participation in the design of the RISE assessment at the Federal level in requiring states to involve local participation during assessment.

Moreover, we are also pleased that the component of the RISE Act that requires states to assess the impact of Federal regulations on provisions of quality education. This is an important component that we believe can be broadened in several ways, and we'd like to offer five recommendations for the committee's consideration.

First, to conduct an ongoing examination of the regulatory impact of Federal education programs before the regulations are proposed.

Secondly, to require a report to Congress by the Secretary of Education on the merits of a unified grant application for each one of the educational programs that are in effect.

Third, to investigate ways to improve coordination and delivery of youth services across Federal agencies as well as Federal and state boundaries.

Fourth, to conduct an ongoing examination of the regulatory impact of education on proposed Federal legislation.

Finally, of course, to place limits on states from issuing regulations in addition to those that are part of the Federal program.

We believe that the RISE Act will serve an important purpose by simply making Federal and state agencies self-conscious about the extent and impact of new legal and regulatory requirements on educational practices and available resources at the local level.

By making this assessment an annual event that is reported widely and summarized in a straightforward chart format, RISE affords the educational community and, indeed, the public at large, an opportunity to track changes in the growth of regulations over time.

The results can also be compared to changes in achievement as reported by the Secretary in what we now commonly refer to as the "Wall Chart." This will encourage an examination of how state regulations may interfere and detract from the efforts to improve student achievement.

We strongly recommend that RISE include requirements for participation of local policy makers and practitioners in designing and undertaking the RISE assessment. Local school board members and local educators hold a deeper understanding of how regulations impact the quality of education in local schools. They can learn valuable insight to the design of a study so that it may ask the right question and keep it simple and to the point.

At the state level, state-wide educational organizations representative of local school board members, administrators, and teachers need to be involved in the assessment to lend validity and credibility to the study. In our experience, local school board members respond with great enthusiasm to surveys and data requests when they are endorsed by their constituent organizations.

NSBA also favors an expansion of the RISE to include a broad Federal assessment of how regulations impact on local school districts.

First, the committee should establish an ongoing mechanism in the Department of Education to review the regulatory process. RISE should create an independent advisory panel of education policy makers and practitioners, including local school board members, local school administrators and teachers whose task would be to assess the regulatory impact of the Federal requirements on education, particularly elementary and secondary before the programs are actually placed in the Federal Register.

Second, RISE should also require the Secretary of Education to develop and report to Congress a design of a unified grant application process. This process will allow local school districts the discretion to consolidate Federal program resources at the local district level rather than at the Federal level.

It could include a unitary grant application with the appropriate accounting safeguards to assure that eligible children are being served by the programs which meet the Federal priority. A step in this direction is reflected in the committee's reauthorization of the Vocational Education Act.

Third, we strongly recommend that the committee establish a Federal commission to investigate ways to improve the coordina-

tion of programs serving at-risk youths. Local school districts are struggling to educate young people who are plagued with the effects of poverty, hunger, drug and alcohol abuse, crime and disease.

A commission is needed to advise the Federal Government on easing the burden on local school districts to provide comprehensive services for our young people needed today to succeed in school. Its mission should be to assemble a comprehensive list of legislative recommendations to coordinate and simplify Federal youth service programs across Federal agencies and between the Federal, state and local level.

The commission should include all the state COLAs that are serving young people in local communities. In some cases, sir, we have school districts that have children in which one child is served by eight different agencies, none of those agencies communicating with each other or even knowing that that service is being provided.

Fourth, we urge that the committee establishes an office of educational impact to review and to assess the regulatory impact of proposed legislation. This office would provide Congress with educational impact statements on the cost and burden to local school districts of proposed non-education mandates such as the environmental laws and employee recordkeeping.

Local school districts have found that much of the additional regulatory impact on their schools have come from the Federal agencies outside the Department of Education. These agencies sometimes have little understanding of the educational system and do not hold education as their primary mission.

An example of that is the problems that have been dealt with by school districts regarding asbestos, lead in the drinking water and radon.

An office such as this could head-off Federal mandates that have obvious negative impact on the educational priority of school districts. Another recent example is the Department of Treasury's proposal on tax-exempt bonds and its impact on the facilities construction at local school districts.

Fifth, RISE should be expanded to prohibit state agencies from using regulations concerning Federal programs unless specifically authorized by state legislators. It should also be required that state data collection under the Federal programs be identified as state imposed. This will identify the unnecessary state data collection relating to Federal programs that a state otherwise would place on school districts under the guise of a Federal program.

We want to remind you that more paperwork means less remediation in the classroom for the students. We've heard the word accountability thrown around. We are accountable, we are elected, and we are only a local call from our constituents. So, we're responsible.

RISE is an important step toward gauging the impact of state and Federal regulations on education. With the recommendations outlined today NSBA believes that RISE can be a vital tool to improve student achievement, a goal that we all share.

Thank you, Mr. Chairman, for your testimony. We have a full statement that we would that we would like to include, and I've just given you some of the highlights. Thank you.

[The prepared statement of James R. Oglesby follows:]

NSBA

Office of
FEDERAL RELATIONS

Michael A. Resnick
Associate Executive Director
Lynne Glassman
Director, Network Operations
Katharine L. Herber
Legislative Counsel
Edward R. Kealy
Director, Federal Programs
Dorothy H. Stambaugh
Legislative Analyst
David S. Byer
Executive Branch Advocate
Kathryn I. Jones
Manager, Urban/Large District Desk

James R. Oglesby
President
Thomas A. Shannon
Executive Director

TESTIMONY

on behalf of

THE NATIONAL SCHOOL BOARDS ASSOCIATION

on

H.R. 3860, THE REGULATORY IMPACT ON STUDENT EXCELLENCE ACT

before the

House Subcommittee on Elementary, Secondary, and Vocational Education

January 30, 1990

Presented by

James R. Oglesby
President
National School Boards Association

Also present for NSBA:

Thomas A. Shannon
Executive director

Michael A. Resnick
Associate Executive Director

Edward R. Kealy
Director, Federal Programs

NATIONAL SCHOOL BOARDS ASSOCIATION
1680 Duke Street, Alexandria, Virginia 22314 / (703) 838-6722
FAX (703) 683-7590

26-620 - 90 - 2

TABLE OF CONTENTS

I.	Introduction	1
II.	NSBA Supports RISE/Other Studies to Improve Education and Youth Services Through Deregulation	1
III.	Assurances for Local Particiaption in the Design of the RISE Assessment	3
IV.	Additional Options to Study the Impact of Regulations on Local School Districts	4
V.	Conclusion	8
	Appendices	

I. Introduction

I am James R. Oglesby, President of the National School Boards Association and a member of the Columbia, Missouri, Board of Education. The National School Boards Association is the only major education organization representing local school board members who govern the nation's public schools. Throughout the nation, approximately 97,000 of these officials are Association members who are responsible for the education of more than 95 percent of the nation's public school children.

I appreciate the committee's invitation to testify on legislation introduced by Representative Augustus Hawkins, H.R. 3860, the Regulatory Impact on Student Excellence Act. We commend the committee for its continuing attention to the impact of regulations on the quality of education. Your work on making Chapter 1 more flexible in the Hawkins-Stafford Amendments of 1988 and the recently passed vocational education amendments will greatly increase the effectiveness of those programs at the local level. We commend the committee for its effort to identify that both the states and the federal government share in the responsibility to simplify regulations.

II. NSBA Supports RISE/Other Studies to Improve Education and Youth Services Through Deregulation

NSBA supports the intent of the RISE Act for states to examine critically the nature and extent of state and federal regulation on the ability of local school districts to provide quality education. States in particular

have added many new regulations in the last decade that affect how local schools must operate. While usually done with the best intentions, as part of school reform efforts, two often they get in the way of innovation and quality education. In the state of Texas, for example, the Texas State School Boards Associaton has initiated a "Mandate Watch" specifically to monitor new state laws and regulations. RISE is especially significant because it focuses on the role of regulations in stifling innovative educational practices and detracting from student achievement. With several refinements, which I shall address shortly, NSBA supports this legislation.

We are particularly pleased that the RISE Act requires each state to assess the impact of federal regulations on the provision of quality education. This is an important component that, we believe, can be broadened in several useful ways. We offer five recommendations for the committee's consideration: (1) conduct ongoing examinations of the regulatory impact on federal education programs before regulations are proposed, (2) require a report to Congress by the Secretary of Education on the merits of a unified grant application process for education programs, (3) investigate ways to improve coordination and delivery of youth services across federal agencies and federal/sate boundaries, (4) conduct ongoing examinations of the regulatory impact on education of proposed federal legislation, and (5) place limits on states from issuing regulations on federal programs.

Combined with the state assessment as proposed in the RISE Act, a federal assessment can yield a full examination of the extent to which state and federal regulations can be simplified and streamlined without sacrificing

the basic intent of the law.

Appended to this testimony are statements of NSBA's rationale for the need to examine regulations and principles to guide federal deregulation efforts. Also appended is an outline of principal federal programs and agencies with regulations affecting public schools that should serve as an illustration for the need to undertake a comprehensive review.

III. Requirements for Local Participation in the Design of the RISE Assessment

The RISE Act will serve an important purpose simply by making federal and state agencies self conscious about the extent and impact of new legal and regulatory requirements on educational practices and available resources at the local level. By making this assessment an annual event that is reported widely and summarized in a straightforward chart format, it affords the education community and the public at large the opportunity to track changes in the growth of regulation over time. The results can also be compared to changes in achievement as reported by the Secretary's widely known annual "Wall Chart." This will encourage a full examination by the states of how regulations may interfere with and detract from efforts to improve student achievement.

NSBA strongly recommends that RISE include two requirements that guarantee local participation. Specifically:

a. Involve local participation in the design of the RISE

assessment at the federal level.

RISE should require the Department of Education to consult with a committee of local education policymakers and practitioners in the design and implementation of the RISE assessment. This will guide the Secretary of Education in designing a study that asks the right questions. It also will help keep it simple and to the point.

b. Involve local participation in the RISE assessment at the state level.

At the state level, RISE should require the states to involve statewide education organizations representative of local school board members, administrators, and teachers in the assessment. This involvement will add validity and credibility to the study. Local school board members respond with great enthusiasm to surveys and data requests when they are endorsed by their constituent organizations.

IV. Additional Options to Study the Impact of Regulations on Local School Districts

As indicated, NSBA also favors an expansion of RISE to include a broadened federal assessment of how regulations impact local school districts. We believe this would complement and assist efforts already underway by the committee to simplify regulatory burden on local school districts. To do

this effectively, however, requires the consideration of regulations imposed before 1980, the benchmark date established in the legislation. We urge the committee to eliminate the requirement that only regulations promulgated after 1980 be studied.

NSBA recommends that the committee consider the following additions to RISE:

a. Process for examining proposed regulations within Department of Education.

First, the committee should establish an ongoing mechanism for review of the regulatory process in the Department of Education. RISE should create independent advisory panels of education policymakers and practitioners including local school board members, local school administrators, and teachers. Their task would be to assess the regulatory impact of proposed federal regulations guiding elementary and secondary education programs. The advisory panels would review and challenge any proposed regulations prior to release in the Federal Register that are either (a) not specifically authorized in legislation, (b) not necessary, or (c) not justifiable in terms of educational improvement or financial impact.

b. Report to Congress on unified grant application process.

Second, RISE should also require the Secretary of Education to

develop and report to Congress on a design for a unified grant application process. This process would allow local districts the discretion to consolidate federal program resources at the local school district level rather than at the federal level. It could include a unitary grant application with appropriate accounting safeguards to assure that eligible children are being served by the programs which meet the federal priority. A step in this direction is reflected in the committee's reauthorization bill for the Perkins Vocational Education Act.

c. Establishment of commission to review federal delivery system for youth programs.

Third, we strongly recommend that the committee investigate how to improve the coordination of programs serving at-risk youth. We urge that this be done through a federal commission to study and recommend ways to improve the coordination of youth services across federal agencies and levels of government.

Local school districts are struggling to educate young people with severe emotional, physical, family, and health needs. Their students are plagued with the effects of poverty, hunger, drug and alcohol abuse, crime, and disease. The federal government can do much more to make it easier for local schools to provide the comprehensive services our young people need today to succeed in school, including working with other state and local agencies in coordinating and delivering federally funded services. A select

federal commission can assist this effort by assembling a comprehensive list of legislative recommendations to coordinate and simplify federal youth service programs across federal agencies and between the federal, state, and local levels.

d. Process to review regulatory impact of proposed legislation.

Fourth, we urge that the committee establish an Office of Educational Impact Review to assess the regulatory impact of proposed legislation. This office would provide Congress with "education impact statements" on the cost and burden to local school districts of proposed non-education mandates in such areas as environmental law and employee recordkeeping imposed by federal agencies. Local school districts have found that much of the additional regulatory impact on their schools has come from federal agencies outside the Department of Education, such as the Department of Agriculture, the Environmental Protection Agency, the Treasury Department, the Department of Labor, and the Immigration and Naturalization Service. These agencies have little understanding of the educational system and do not hold education as their primary mission. An Office such as this could head off federal mandates that have obvious negative impact on the education priority of school districts. Although the laws of most of these agencies do not fall under the jurisdiction of the committee, their cumulative impact on education is substantial, and would not be examined elsewhere in Congress.

e. Limits on states from issuing regulations on federal programs; identification of state data collection.

Fifth, RISE should be expanded to prohibit state agencies from issuing regulations concerning federal programs unless specifically authorized by state legislatures. It should also require that state data collection under federal programs be identified as state imposed. This would complement a provision in current law, which NSBA advocated in 1981, that requires states to identify as "state imposed" any rule or policy issued by them relating to a federal education program administration or operation (see USC 20 Sec. 1205 (b)). This will identify those unnecessary state data collections relating to federal programs that a state otherwise would place on school districts under the guise of a federal requirement.

V. Conclusion

RISE is an important step toward gauging the extent of state and federal regulation of education. With the recommendations outlined today, NSBA believes that RISE can be a vital tool to improve student achievement -- a goal we all share.

Thank you for the opportunity to testify before the committee today.

Appendix I

THE NEED TO EXAMINE REGULATIONS

Federal and state law and regulations affect virtually every aspect of the operations and policies of local school districts. In some cases statutes and regulations provide useful guidance for the delivery of needed services to children. Often they set necessary rules for the prudent accounting of state and federal expenditures.

But in too many cases, local school districts find that they divert time, money, and energy from the provision of quality services for children. Instead, school personnel find themselves coping with unnecessary paperwork and bookkeeping, complicated administrative structures, duplicative services, and uncoordinated programs. Often regulations stifle creative program ideas or make innovations too costly because they prohibit alternative approaches.

As a result, the renewed interest in deregulation and increasing program flexibility and local control of administration is very attractive to local school districts. The advantages to local school districts are the opportunities deregulation presents to:

- eliminate ineffective and wasteful program practices;
- free staff from paperwork burdens;
- reduce the cost of program administration;
- increase creativity in the design and delivery of services to children; and
- focus on improving student achievement rather than compliance with rules.

The RISE Act will provide the data that Congress and state legislatures need to achieve these benefits.

Appendix 2

PRINCIPLES TO GUIDE DEREGULATION

NSBA believes that Congress should abide by several principles in its efforts to deregulate education.

1. Deregulation should not be pursued as a substitute for full funding of federal education programs.

2. The need for regulations should stand on their own merits rather than be negotiated as part of a trade for new regulations. Ineffective, counterproductive rules should be identified and eliminated.

3. Deregulation should not be a shield for attempts to consolidate federal programs and reduce funding.

4. Deregulation should not result in undermining the protections provided in law for special need populations such as the handicapped.

5. Proposals for greater flexibility should provide a significant role for local school board members in the identification of problem areas and the development of solutions.

Appendix 3

OUTLINE OF FEDERAL PROGRAMS AND AGENCIES WITH REGULATIONS AFFECTING PUBLIC SCHOOLS

I. **FEDERAL EDUCATION PROGRAMS** (U.S. Department of Education)

A. **CATEGORICAL FEDERAL EDUCATION PROGRAMS IN TYPICAL SCHOOL**

- Adult Education — State Administered Program
- Bilingual Education — Transition Program for Refugee Children
- Bilingual Education — Emergency Immigrant Education Program
- Developmental Bilingual Education
- Drug-Free Schools and Communities — State and Local Program
- Education for the Disadvantaged, Chapter 1 — Grants to Local Educational Agencies
- Education for the Disadvantaged, Chapter 1 — Capital Expenses for Private School Children
- Handicapped — Innovation and Development
- Handicapped — State Grant
- Handicapped Preschool Grant
- Indian Education
- Mathematics and Science Education Act Program
- Magnet Schools Assistance Program
- School Assistance in Federally Affected Areas — School Assistance, Impact Aid
- State and Local Programs, Chapter 2
- State Vocational Education: Consumer and Homemaking Program
- Transitional Bilingual Education
- Vocational Education — Basic State Grants — Opportunities Program
- Vocational Education — Basic State Grants — Improvement, Innovation, and Expansion Program

B. **DISCRETIONARY FEDERAL EDUCATION PROGRAMS AVAILABLE ON COMPETITIVE BASIS**

- Bilingual Education — Special Alternative Instructional Program
- Bilingual Vocational Training Program
- Even Start Program Operated by Local Educational Agencies
- FIRST: Schools and Teachers Program
- FIRST: Family-School Partnership Program
- Follow Through
- Jacob K. Javits Gifted and Talented Student Program
- Law-Related Education Program
- Leadership in Educational Administration Development (LEAD) Program
- Mathematics and Science Education National Programs
- National Diffusion Network Program
- National Endowments for Arts & Humanities
- National Science Foundation
- Secretary's Fund for Innovation in Education (FIE)
- Star Schools Program
- Vocational Education — National Program: Cooperative Demonstration Program

C. **RESEARCH AND DATA COLLECTION**

- National Assessment of Educational Progress
- National Center for Educational Statistics
- Office of Educational Research and Improvement -- Regional Labs and Centers

II. **FEDERAL YOUTH SERVICES PROGRAMS**

A. **EMPLOYMENT** (U.S. Department of Labor)

- Job Training Partnership Act

B. **HEALTH AND HUMAN SERVICES** (U.S. Department of Health and Human Services)

- Centers for Disease Control
- Drugs and Alcohol Abuse Prevention and Treatment
- Head Start
- Medicaid Handicapped Support Services
- Welfare Job Opportunity Basic Skills

C. **IMMIGRATION** (U.S. Department of Justice)

- State and Local Immigration Assistance Grants

D. **DELINQUENCY PREVENTION** (U.S. Department of Justice -- Juvenile Justice and Deliquency Prevention

E. **NUTRITION** (U.S. Department of Agriculture)

- Nutrition Education & Training
- School Breakfast
- School Lunch
- Women, Infants, Children

III. **REGULATIONS AFFECTING SCHOOL MANAGEMENT**

A. **CIVIL RIGHTS** (Office of Civil Rights)

- Affirmative Action
- Barrier-Free Access/section 504
- Desegregation

B. **DRUG CONTROL** (U.S. Office of Management and Budget)

- Drug-free Workplace

C. **EMPLOYMENT** (U.S. Department of Labor)

- Equal Employment Opportunity Commission
- Minimum Wage/Fair Labor Standards Act
- Unemployment Compensation

D. **ENVIRONMENTAL HAZARD ABATEMENT** (U.S. Environmental Protection Agency)

- Asbestos Hazard Emergency Response Act
- Asbestos in Schools Hazard Abatement Act Grants & Loans
- Lead in Drinking Water Control
- Radon Contamination
- Toxic Substances Control

E. **FEDERAL TAX POLICY** (Internal Revenue Service)

- Alternate Minimum Tax
- Arbitrage
- Deductibility of State and Local Taxes
- Employee Benefit Taxation
- Section 89
- Social Security
- Tax-free Bonds
- Unrelated Business Income

F. **GOVERNMENT RELATIONS**

- Use of Consultants

G. **IMMIGRATION** (U.S. Department of Justice)

- Illegal Aliens
- Naturalization

H. **TRANSPORTATION** (U.S. Department of Transportation)

- School Bus Safety
- Driver Qualifications

Chairman HAWKINS. Without objection, the statement will be entered into the record following the testimony of each and every one of the witnesses.

The next witness is Dr. Harold D. Patterson. Dr. Patterson, we welcome you before the committee and look forward to your testimony.

STATEMENT OF HAROLD D. PATTERSON, SUPERINTENDENT OF SCHOOLS, GUNTERSVILLE CITY SCHOOLS, REPRESENTING THE AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS

Dr. PATTERSON. Thank you, Mr. Chairman. Mr. Chairman and members of the subcommittee, my name is Harold Patterson and I'm the Superintendent of Guntersville City Schools in Guntersville, Alabama. I am a nationally elected member of the Executive Committee of the AASA and am pleased to be here today to represent AASA's testimony on the topic of regulatory burden on local schools.

I would also like to point out that during 1986 and '87 I was Superintendent of the Spartanburgh, South Carolina Public Schools when that school district was one of the 15 "Time for Results" districts that worked with the National Governor's Association and the U.S. Department of Education to demonstrate the effects of various reform ideas on local schools.

AASA represents nearly 19,000 local superintendents and school executives who are the persons in our communities with the ultimate responsibility for the education of our nation's children.

Any administrator of any enterprise will accede that they prefer to carry out their duties with the maximum amount of resources and the minimum amount of restrictions. However, we also recognize that those who provide the resources will want to know how those resources are being used.

Striking a happy balance between merely waiting for the results of an enterprise and looking over the shoulder of the manager while he or she is conducting the enterprise is never an easy task.

We at AASA believe, and the 16 "Time for Results" districts which examined the effect of Federal regulations on local schools, found that with few exceptions the current Federal law, particularly in the area of compensatory education for disadvantaged elementary and secondary school youngsters, has achieved the proper valance.

In fact, both the National Governor's Association and the Department of Education know that fact as a result of their work with the "Time for Results" districts, and we find it a little disconcerting for those same groups to talk now about the need of massive deregulation.

The Hawkins-Stafford Amendments, which this committee drafted in 1988, contained protections to ensure that we at the local level actually serve the children Congress intended for us to serve. For the most part, the Hawkins-Stafford regulations, which were developed with clarity and in record time thanks to the Negotiated Rulemaking and State Committee of Practitioner's process, do not impose a restrictive burden on local schools.

The two areas that give me the most concern at the Federal level are the restriction on use of Chapter 1 materials and equipment after Chapter 1 students have been served and problems surrounding Education for all Handicapped Children Act regulations.

With respect to Chapter 1, it makes no sense to me to require that material and equipment lie dormant during evening and weekend hours after it has been used by Chapter 1 students and when it could be used to offer remedial or enrichment activities to adults or other students.

Concerning the Handicapped Act, regulations are raising a whole spate of problems associated with attempts to write definition that describe different types of children. We do not have a clear definition of a learning disabled child. Not having clearly defined criteria causes confusion among districts and states.

This causes, in many districts, an over-inclusion of white children who are labeled as having a learning disability and, therefore, there is an over-inclusion of minority children in educably mentally handicapped classes. There are also other special education classifications which do not have clearly defined criteria.

However, it has been my experience and our members have traditionally had the most difficulty with excessive over-the-shoulder government managing by state departments of education.

When we conducted our Chapter 1 regional forums in the fall of 1986, our members discovered in talking with one another that various state departments of education imposed Chapter 1 requirements and regulations that went or go far beyond the Federal law and resulted in inconsistent application of the law from one state to another.

The problem was not the fault of excess Federal regulations, but of state education departments attempting to exceed Federal requirements, often because the state felt a need to protect itself against Federal audits by being even tighter in its restriction on local schools than the Federal Government.

We fully support the RISE bill which you introduced last week, Mr. Chairman, calling for a study of the impact of state regulations imposed on local schools since 1980.

Clearly, state regulations are more numerous and more burdensome on local schools. For example, states generally hamstring local schools with regulations concerning staffing, class scheduling, class structure, i.e., regulations require a minimum number of minutes of specific subjects and frequently require more mandated courses and more mandated minutes of instruction than total minutes in the school day. Therefore, we take time from other subjects to teach those courses.

Where is the room for local flexibility to meet local needs under these circumstances?

We have state laws on class size and teacher certification that interfere with local staffing decisions. In many states schools are not allowed to place a teacher with a sixth grade certification in an eighth grade classroom even though the teacher may be teaching a similar subject to sixth grade students in a middle school that has sixth, seventh and eighth grades.

State departments require an excessive number of reports from local schools, reports that take valuable staff time. These reports

then go to the state department of Education and I'm convinced that no one ever reads most of them. Someone checks the report, checks that the report has been received, and it is placed in a file and rarely used.

I should point out that the paperwork burden is being addressed, at least to my knowledge, in two states and we anticipate some improvement in that area.

We are seeing some change at the state level, especially in the South, where significant progress is being made by either eliminating or reducing regulatory requirements. In Alabama, the state is developing a performance accreditation program which will relieve schools from some of the state's more burdensome requirements if those districts meet certain performance standards.

We agree with this trend and have been pleased to see discussion in the committee of Congressman Peter Smith's bill which explores the concept of educational performance agreements.

Deregulation actions similar to those in Alabama are being taken in South Carolina and North Carolina, and I think you're going to hear shortly from South Carolina. In these states I think those in charge have stopped to ask themselves what end results do we want to occur.

They realize that the goal is not a series of boxes checked off on some form, but, rather, a well-educated child. We believe that with a moderate amount of regulation and a moderate amount of flexibility we can help this nation achieve that goal for all children.

Finally, Mr. Chairman, we suggest that you amend RISE to include a committee of practitioners to work with the contractor and the Department of Education as they prepare to study and report the results. We suggest that administrators, teachers and parents, which might include board members——

Chairman HAWKINS. I hope so.

Dr. PATTERSON. [continuing] from the 16 "Time for Results" districts making up a committee of practitioners. These districts have been working on this problem for over three years. They have been considering or experimenting with deregulation in eight different states. They represent an intact group with continuing ties to the Department of Education and the National Governors' Association.

Thank you, Mr. Chairman, for the opportunity to appear today to present our views, and I would be happy to answer any questions.

[The prepared statement of Harold D. Patterson follows:]

TESTIMONY OF

HAROLD D. PATTERSON
SUPERINTENDENT OF SCHOOLS
GUNTERSVILLE CITY SCHOOLS
GUNTERSVILLE, ALABAMA

ON REGULATORY BURDEN

PRESENTED ON BEHALF OF THE

AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS

TO THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

THE HONORABLE AUGUSTUS F. HAWKINS, CHAIRMAN

9:30 A.M. - 2175 RAYBURN HOUSE OFFICE BUILDING

JANUARY 30, 1990

Mr. Chairman and members of the Subcommittee, my name is Harold Patterson and I am Superintendent of the Guntersville City Schools in Guntersville, Alabama. I am a nationally-elected member of the Executive Committee of the American Association of School Administrators and am pleased to be here today to present AASA's testimony on the topic of regulatory burden on local schools.

I would also like to point out that during 1986 and 1987, I was Superintendent of the Spartanburg, South Carolina, Public Schools, when that school district was one of 16 "Time For Results" districts that worked with the National Governors Association and the U.S. Department of Education to demonstrate the effect of various reform ideas on local schools.

AASA represents nearly 19,000 local superintendents and school executives, who are the persons in our communities with the ultimate responsibility for the education of our nation's children.

Any administrator of any enterprise will accede that they prefer to carry out their duties with the maximum amount of resources and the minimum amount of restrictions. However, we also recognize that those who provide the resources will want to know how those resources are being used. Striking a happy balance between merely waiting for the results of an enterprise and looking over the shoulder of the manager while he or she is conducting the enterprise is never an easy task.

We at AASA believe, and the 16 "Time For Results" districts--which examined the effect of federal regulations on local schools--found, that with a few

exceptions the current federal law, particularly in the area of compensatory education for disadvantaged elementary and secondary school youngsters, has achieved the proper balance. In fact, both the National Governors Association and the Department of Education know that fact, as a result of their work with the "Time For Results" districts, and we find it a little disconcerting for those same groups to talk now about the need for massive deregulation.

The Hawkins-Stafford Amendments, which this committee drafted in 1988, contain protections to ensure that we at the local level actually serve the children Congress intended for us to serve. And, for the most part, the Hawkins-Stafford regulations--which were developed with clarity and in record time, thanks to the Negotiated Rulemaking and State Committee of Practitioners process--do not impose a restrictive burden on local schools.

The two areas that give me the most concern at the federal level are the restriction on use of Chapter 1 materials and equipment after Chapter 1 students have been served, and problems surrounding the Education for All Handicapped Children Act regulations. With respect to Chapter 1, it makes no sense to me to require that material and equipment lie dormant during evening and weekend hours, after it has been used by Chapter 1 students and when it could be used to offer remedial or enrichment activities to adults or other students. And concerning the Handicapped Act, regulations are raising a whole spate of problems associated with attempts to write definitions that describe different "types" of children. We do not have a clear definition of a learning disabled child. Not having clearly defined criteria causes confusion among districts and states. This causes, in many districts, an over inclusion of white children who are labeled as having a learning disability and

4

therefore, there is an over inclusion of minority children in educable mentally handicapped classes. There are also other special education classifications which do not have clearly defined criteria.

However, it has been my experience and our members have traditionally had the most difficulty with excessive over-the-shoulder government managing by state departments of education. When we conducted our Chapter 1 regional forums in the fall of 1986, our members discovered in talking with one another that various state departments often imposed Chapter 1 requirements and regulations that went beyond the federal law and resulted in inconsistent application of the law from one state to another.

The problem was not the fault of excess federal regulations, but of state education departments attempting to exceed federal requirements, often because the state felt a need to protect itself against federal audits by being even tighter in its restrictions on local schools than the federal government.

We fully support the RISE bill (H.R. 3860), which you introduced last week, Mr. Chairman, calling for a study of the impact of state regulations imposed on local schools since 1980.

Clearly, state regulations are more numerous and more burdensome on local schools. For example, states generally hamstring local schools with regulations concerning staffing, class scheduling, and class structure; i.e., regulations require a minimum number of minutes for specific subjects, and frequently require more mandated courses and more mandated minutes of instruction than total minutes in the school day. Where is the room for local

flexibility to meet local needs under those circumstances? We have state laws on class size and teacher certification that interfere with local staffing decisions. In many states, schools are not allowed to place a teacher with a sixth grade certification in an eighth grade classroom, even though the teacher may be team teaching a similar subject to sixth grade children in a middle school that has sixth, seventh and eighth grade students.

State departments require an excessive number of reports from local schools, reports that take valuable staff time. These reports then go to the state department of education and I am convinced that no one ever reads most of them. Someone checks that the report has been received and it's placed in a file and rarely used. I should point out that the paperwork burden is being addressed and we anticipate some improvement in that area.

We are seeing some change at the state level, especially in the South, where significant progress is being made by either eliminating or reducing regulatory requirements. In Alabama, the state is developing a performance accreditation program which will relieve schools from some of the state's more burdensome requirements, if those districts meet certain performance standards. We agree with this trend, and have been pleased to see discussion in the Committee of Congressman Peter Smith's bill, which explores the concept of educational performance agreements.

Deregulation actions similar to those in Alabama are being taken in South Carolina and North Carolina. In these states, I think those in charge have stopped to ask themselves, "What end result do we want to occur?" And they've realized that the goal is not a series of boxes checked off on some form, but

rather a well-educated child.

We believe that with a moderate amount of regulation and a moderate amount of flexibility, we can help this nation achieve that goal for all children.

Finally, we suggest that you amend RISE to include a committee of practitioners to work with the contractor and the Department of Education, as they prepare the study and report the results. We suggest that administrators, teachers and parents from the 16 "Time for Results" districts make up the committee of practitioners. The "Time for Results" schools have been considering or experimenting with deregulation, and they represent an intact group with continuing ties to the Department of Education and the National Governors Association.

Thank you for the opportunity to appear today to present our views, Mr. Chairman. I would be happy to answer any questions you may have.

Chairman HAWKINS. Thank you, Dr. Patterson.
The next witness is Ms. Roxanne Bradshaw.

STATEMENT OF ROXANNE BRADSHAW, SECRETARY-TREASURER, NATIONAL EDUCATION ASSOCIATION

Ms. BRADSHAW. Good morning, Chairman Hawkins, and members of the Committee. I'm Roxanne Bradshaw. I serve as Secretary-Treasurer of the National Education Association, representing over two million members across this country.

Our nation is in the process of reviewing national goals in education in an effort to reach a national consensus. For that reason, we, as the members of the NEA, appreciate the opportunity to present our views on the Regulatory Impact on Student Excellence Act.

We know that setting goals alone is not enough. We need criteria on which to judge that process. But we must assure that the procedures used to assess progress do not detract from the goal of improving education. We know it is difficult to weigh the relative value of accountability with the time it takes to fill out the paperwork and deal with all of the other red tape that goes with that. That is precisely why we encourage the pursuit of this proposed study.

We support the efforts to eliminate regulations that are unnecessary but we oppose any blanket deregulation that would close the book on equity and excellence for which we've all worked so hard.

Policy makers have long held that schools are well suited to carry out a variety of monitoring tasks such as screening for health or nutritional deficiencies. But the problems that students bring to the classroom today very often are becoming more and more diverse day by day. Their solutions demand the experience, training and resources, and time that in many cases school staff members simply do not have.

Teachers and other school employees are rarely consulted on which practices really help students as opposed to those which are intrusive and merely time-consuming. I urge the members of this committee and other policy makers to consult with teachers and their associations as well as other members of the education community.

As Mr. Hawkins has noted on many occasions, states have been active, and in some cases hyperactive, in the issuance of new statutes, regulations and requirements governing educational practices. One impetus for this activity was the numerous educational reports issued during the 1980s.

For virtually every education reform recommendation there has a legislative or regulatory response. To some extent, the result has been a complex and at times conflicting network of laws, rules and standards of practice.

Just as the 1980s will be known as the decade of reform, recent events suggest that possibly the 1990s will be known as the decade of restructuring. To some, restructuring may mean breaking down some of the barriers—the four walls of the classroom, the six periods of the day, the 36 weeks in a school year.

But experience suggest that for many restructuring merely means a promulgation of new regulations, new paperwork and new

distractions from teaching and learning. Restructuring the forms and leaving the schools unchanged would be a tremendous mistake. But totally eliminating scrutiny would be a crime against the sponsors of our public schools, that being the American people.

In closing, I would like to raise two cautionary points. First, NEA would oppose efforts by the Federal Government to restrict the ability of state and local education agencies to formulate appropriate policies governing the education of children within their own states.

Second, many statutes and regulations governing the schools exist for the protection of young people who frequently would have had no advocates were it not for Congress and for the Federal court system.

NEA strongly supports efforts to rethink and restructure our educational system when these efforts are grounded at the local level and are consistent with current efforts to assure excellence and equity for all students. Waivers of regulation should be in response to specific requests, to address specific purposes and for a set period of time.

As long as policy makers recognize that restructuring and deregulation are strategies, not solutions in and of themselves, we encourage and support the efforts to review statutory and regulatory policies. We appreciate your initiative and the initiative of this committee to establish a framework for that review.

I thank you very much. Mr. Chairman, on a personal note, having shared some very pleasant times with you in the setting of the National Education Association, I would like to tell you how much we regret your pending resignation. You will be missed. Your advocacy will not be easy to fill. Thank you very much.

[The prepared statement of Roxanne Bradshaw follows:]

LEGISLATIVE INFORMATION

STATEMENT

OF THE

NATIONAL EDUCATION ASSOCIATION

ON THE

REGULATORY IMPACT ON STUDENT EXCELLENCE ACT

SUBMITTED TO THE

SUBCOMMITTEE ON

ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

OF THE

EDUCATION AND LABOR COMMITTEE

U.S. HOUSE OF REPRESENTATIVES

JANUARY 30, 1990

KEITH GEIGER, President
ROBERT CHASE, Vice President
ROXANNE E. BRADSHAW, Secretary-Treasurer

DON CAMERON, Executive Director

Mr. Chairman and Members of the Committee:

I am Roxanne Bradshaw, Secretary-Treasurer of the two million-member National Education Association, which represents teachers, faculty, and staff in the nation's elementary, secondary, vocational, and postsecondary education institutions.

I appreciate this opportunity to present our views on an important legislative initiative: The Regulatory Impact on Student Excellence (RISE) Act. This bill would require the U.S. Secretary of Education to conduct an assessment of the public schools in each of the states by January 1, 1991, to identify new federal and state statutes and rules promulgated since 1980. The assessment would evaluate the impact of such new practices and note the resources available to carry out such requirements. The bill would require that such a study be updated each year.

Our nation is in the process of reviewing and articulating our nation's goals in education. One objective in this process is to reach a national consensus about what our schools -- students, staff, and the community -- should be doing and then move toward genuine national education policies and practices. Setting goals alone is not enough; we will require accountability measures to assess progress, and we will require criteria on which to judge that progress. Before our state and national leaders go much further down the road toward further regulation or, conversely, blanket deregulation, it is important to

establish a benchmark on which to judge where we are and evaluate what has been productive and what has been intrusive.

True, it is often difficult to weigh the relative value of accountability with the time it may take teachers and staff to fill out the paperwork and deal with other red tape. That is precisely why this proposed study should be carried out. We support efforts to eliminate regulations that are unnecessary, but we oppose any blanket deregulation that would close the book on equity and excellence. One principle that should guide us in this review process is that we must identify clear goals and concentrate on meeting the goal, not the form.

As Mr. Hawkins has noted in introducing this bill, states have been active, in some cases hyperactive, in the issuance of new statutes, regulations, and requirements governing educational practices. One impetus for this activity was the numerous education reports issued during the 1980s -- beginning with A Nation At Risk and continuing today, with no end in sight. The reports and their accompanying media attention have led the public and policymakers to conclude that we must take steps to strengthen accountability measures at the federal, state, and local levels. One way of assuring accountability is to issue new regulations with new penalties for noncompliance. Many of the reports called for higher standards, from graduation requirements to preservice education for

classroom teachers. Again, the response has been -- in many cases -- new state requirements and their accompanying regulations and reporting mechanisms. For virtually every education reform recommendation, there has been a legislative or regulatory response. To some extent, the result has been a complex and, at times, conflicting network of laws, rules, and standards of practice.

To paraphrase Calvin Coolidge, the business of education is education. NEA's members stand behind their Resolution on "Time To Teach":

> "...The Association recognizes that accountability requires reporting on the uses of funding derived from federal, state, and local education programs. The Association believes, however, that in order for the classroom teacher to spend adequate time on instructional duties, the paperwork burden on the practitioner must be reduced and held to an absolute minimum..."

In the history of education, the 1980s will be known as the decade of reform. Recent events suggest that the 1990s will be known as the decade of restructuring. To some, restructuring may mean breaking down some of the barriers: the four walls of the classroom, the six periods in the school day, the 36 weeks in the school year. But experience suggests that, for many, restructuring merely means a promulgation of new regulations, new paperwork devices for monitoring compliance, and consequently new distractions from the teaching and learning process.

Last year, the French parliament passed legislation that required that for each new subject added to the curriculum, another subject must be dropped. In the United

States, state legislatures -- which have control over curriculum comparable to the French national government -- seldom "add" subjects to the curriculum. They merely add new topics that should be "woven" into the existing curriculum: health education, citizenship education, career education, constitutional concepts, drug education, environmental education, etc. As far as we can determine, few states ever step back to assess how many competing concepts are expected to be woven into the curriculum.

But it is not only the curriculum that is affected by this legislative/regulatory accretion. Sometime during World War II, as our nation was mobilizing and encouraging every individual and institution to "do their part," policymakers recognized that the schools -- located in every community in the nation -- were well-suited to carry out a variety of monitoring tasks, such as screening for health or nutrition deficiencies and physical or learning disabilities. Over time, responsibilities have been added such as monitoring for physical or sexual abuse. And today people are debating the merits of urine testing for drug abuse in the elementary grades.

Schools and school employees, particularly classroom teachers, are willing to accept this responsibility to some extent because we understand the importance of meeting the needs of the whole child. As stated in NEA's Open Letter To America on Schools, Students, and Tomorrow, "Schools will continue to have noninstructional responsibilities for the

health and welfare of their students. But the problems students bring to their classes are becoming more diverse and complex each day. Their solution demands the experience, training, resources, and time that school staff members simply do not have."

The National Education Association has been involved in efforts, at least within the area of special education, to review the noninstructional requirements of school employees serving children served under the Education of All Handicapped Act. The Joint Task Force for Management of Children with Special Health Needs identified more than 70 procedures and identified who should, appropriately, administer or assist with these activities. The report identifies only a limited scope of activities that certified teaching personnel should be required, or allowed, to do.

Teachers and other school employees are rarely consulted on which practices help assure that community services are coordinated to allow students to get the help they need, and which are merely intrusive. As we begin to examine the value of these type of regulations, I urge the Members of this Committee and other policymakers to communicate and consult with teachers and their associations.

NEA supports this proposed national review of the statutory and regulatory landscape, but I would like to raise two cautionary points.

First, NEA would oppose efforts by the federal government to restrict the ability of state and local education agencies to formulate appropriate policies governing the education of children and/or to circumvent the states' governing responsibility for the education of children. We share your belief, Mr. Chairman, that as states begin to review their own policies and practices consistent with this study, they will also begin to assess the value of these policies in the context of the principle objectives of the public schools.

Second, NEA strongly supports efforts to rethink and restructure our educational system when these efforts are grounded at the local level and are consistent with current efforts to assure excellence and equity for all students. Many statutes and regulations governing the schools exist for the protection of young people who, frequently, would have no advocate were it not for Congress and the federal courts. Civil rights legislation, mandates to serve handicapped students, and federal assistance to serve other special needs students are both an economic necessity and a moral imperative.

In 1988, the National Governors Association outlined a number of guidelines for deregulation efforts.

1) New approaches to curriculum and instruction are required;

2) Decisionmaking authority should be decentralized;

3) Changes must be made in teachers' roles and responsibilities; and

4) *Changes to promote more discretion and flexibility at the school site level cannot be made without new accountability systems* (emphasis added).

The key point is this: accountability -- concerning the use of public dollars, equity, and academic achievement -- should not be weakened in a rush toward deregulation. As the NGA points out in its report, Results in Education: 1989, some 20 states will waive regulations for schools participating in restructuring initiatives, but in most states the waivers are neither blanket nor automatic. Waivers of regulations should be in response to specific requests, to address specific purposes, and for a set period of time.

As long as policymakers recognize that restructuring and deregulation are strategies, not solutions in and of themselves, we encourage and support efforts to review statutory and regulatory policies. And we appreciate the initiative of this Committee to establish a framework for that review.

Thank you.

Chairman HAWKINS. Well, thank you. Thank you for the personal remarks. I assure you that I may be retiring from Congress in December, but our friendships and our association will certainly continue, and that's true with the other witnesses.

The final witness is Ms. Willis, Education Advisor of the Office of Governor Carroll Campbell and also representing, as I understand it, the National Governors' Association. Ms. Willis, we are pleased to have you with us.

STATEMENT OF MARY WILLIS, EDUCATION ADVISOR, OFFICE OF GOVERNOR CARROLL CAMPBELL, REPRESENTING THE NATIONAL GOVERNORS' ASSOCIATION

Ms. WILLIS. Thank you, Mr. Chairman. Good morning. My name is Mary Willis. I do serve as the Chief Policy Advisor to Governor Carroll Campbell in South Carolina.

Thank you for the opportunity to be here today representing the National Governors' Association and to discuss Representative Hawkins' new bill, the Regulatory Impact on Student Excellence Act.

Chairman HAWKINS. Would you kindly move the microphone.

Ms. WILLIS. Sorry.

Chairman HAWKINS. Thank you.

Ms. WILLIS. I would specifically like to share with you some of my state's experience recently in creating greater flexibility from state regulations and so forth.

As you know, education reform has been a top priority for many states over the last ten years. Very specifically, South Carolina has undergone at least five major reforms since the mid-1970s. Also, education is big business for state government. On the average, states invest more than 35 percent of their annual budgets in education. For my state, that's more than 55 percent. A large part of that goes directly to elementary and secondary education.

Governors, therefore, must be and have been committed to improving both the efficiency and the productivity of our education system. Moreover, it is clear that the future health of our citizens and our states is increasingly reliant up a well-educated population and a highly-skilled workforce.

Governor Campbell recently said we must substantially boost the performance of all Americans if we expect Democracy and our economy to thrive. This process deals with elementary and secondary education as well as everything from the readiness of children to start school to workplace literacy and lifelong learning for adults. Our nation must value learning for all people from cradle to the grave.

Governors have been providing leadership and support for education improvement, especially since the early 1980s. In general, state initiatives during those years focused on raising performance standards and providing resources to achieve higher levels of achievement, changes such as increased high school graduation requirements, testing requirements for students, competency testing for teachers, and new evaluation requirements for students, as well as accreditation standards for schools, were intended primarily to increase the performance level of our lowest achievers.

While very, very important, such changes were only the beginning of an enormous task facing us. We must go way beyond raising the floor of educational performance. In fact, we must dramatically elevate the ceiling of educational accomplishment for all students by increasing the proportion of students from all backgrounds who are performing at or close to the ceiling.

In order to accomplish this objective a major restructuring of the education system is required. Such fundamental change requires a reorientation of schools so they focus on performance and results, not simply being in compliance with procedures and regulations.

It also means providing curricula and learning experiences that prepare students for the next century, giving each school's principal and its teachers the discretion to make more of their own decisions and the flexibility to more productively use Federal, state and local resources in innovative ways that improve learning

Most importantly, restructuring requires creating powerful incentives for performance and for improvement and real consequences for continued failure. States will have to be aggressive in setting educational goals and defining outcome standards while leaving decisions about how to accomplish such goals to the professionals at the local level.

According to the National Governors' Association 1989 survey for Results in Education, restructuring efforts are underway in at least 27 states. In addition, all governors committed to restructuring initiatives in their own states at last year's education summit. Clearly, approximately 20 states will waive regulations for schools participating in their restructuring initiatives.

State restructuring efforts vary from state to state. However, such initiatives typically involve a small number of schools or school districts who have voluntarily chosen to participate. Participating sites usually receive some combination of financial assistance, technical assistance, and opportunities for waivers from state rules and regulations.

Let me talk specifically about some of the things South Carolina has done. Last year Governor Campbell in his State of the State address noted that our state faced the challenge of moving beyond average performance in schools to superior performance by pushing the top students to higher standards and low achieving students would be expected to improve too.

He maintained that this would require greater flexibility and innovation at the local level. He called on the legislature to take us beyond minimum standards by giving greater flexibility to those schools which have demonstrated significant achievement gains for all children, not just those at the very bottom and not just those at the very top.

As a result, South Carolina has essentially released—or freed, if you read the headlines of the newspaper—and there is a copy attached of an article about this program—125 schools, which is about ten percent of the schools in our state, from a number of regulations that deal specifically with our defined minimum program, the basic skills assessment program and our remedial compensatory program that is required at the state level.

To be deregulated a qualifying school must get the approval of its local school board within 60 days of the state board notifying it. If the board agrees, the school will be freed from state rules.

Let me give you some examples here. Things like the set minimum class size. Things that stipulate how many minutes each week students must receive instruction in certain subjects like math and English and history, and so on. Regulations that require that teachers and principals and counselors be certified to teach in narrowly-defined or specific subject areas. Regulations that require annual audits of remedial programs that are funded by the state.

However, no school is permitted to scrap subjects completely or hire somebody off the street as the teacher, faculty members must still have the basic state certification required of all teachers, and the core curriculum requirements will remain in effect.

The schools still have to administer both our norm-referenced and criterion-referenced tests. Also, state attendance guidelines are still in effect.

This reform is not new. Many businesses and leading corporations have put similar programs in place. Such programs are designed to cut back on layers of middle management and allow workers and professionals to have more of a say in how they do their jobs.

In implementing these changes, our operating principle was that any provision of flexibility must be clearly linked to greater achievement in student performance. In addition, a waiver agreement had to guarantee protection for those special populations targeted in specified programs. We insisted that services for at-risk students actually be enhanced, resulting in better student outcomes.

I believe these same principles must guide any Federal provision of flexibility to the states. In my state, we are acutely aware of the need to strengthen services and provide great opportunities for our at-risk students. South Carolina's future depends in part on the ability of these students to become productive self-sufficient members of our communities and our workforce.

We have already learned some important lessons from restructuring efforts in South Carolina as well as in other states. One is that educators frequently have a difficult time planning and developing new ways of organizing schools for better results. They often feel subject to a myriad of rules and regulations which stifle their imagination and creativity.

Second is that educators typically do not or cannot distinguish between Federal, state and local regulations or between Federal statutes regulations and state or local interpretations of them.

The culture of our education system has been traditionally focused on complying with rules and requirements. Schools are often as concerned with meeting such requirements as they are in determining the best ways of meeting the needs of our students. Educators are unable and believe it is unimportant at times to determine which level of government is the most significant constraint.

Changing this situation and realizing significant improvements in our education system requires a Federal, state and local partnership. Because each level of government affects the culture of

schools, each must be willing to do its part to alter the pervasive school culture of doing whatever is necessary to ensure compliance.

Each level of government must be willing to examine current statutes and regulations and seek ways of providing greater flexibility based on the principles I've spoken to above.

We are, therefore, supportive of the objectives of the Regulatory Impact on Student Excellence Act, specifically, the identification of new Federal and state requirements promulgated since 1980. I would add, since 1984 South Carolina has implemented 61 new programs with hundreds and hundreds of pages of new regulations. So, we clearly can speak to the state level initiation of state regulations.

In fact, as stated earlier, the governors have already committed themselves to conduct such a review of state rules and regulations. Therefore, we would ask that any review by the Secretary of Education be done in consultation and coordination with the individual state efforts through some type of realistic sampling process.

States and Federal Government should work together along with the local school districts and the educators who make recommendations on how best to simplify the existing requirements so that more resources can be focused on improving student performance.

The National Governors' Association Task Force on Education, which is co-chaired by Governor Campbell and Bill Clinton of Arkansas, was established last July by the NGA Chairman, Governor Terry Brandstad of Iowa. The mission of the task force is to develop a consensus around broad-based national goals in education to help chart a course for future education.

The task force has received testimony and written comments from literally hundreds of organizations, all of which are represented here today. It is our intention to present a statement of education goals at the Governors' winter meeting next month.

We are currently compiling the results of a survey that are going to give us some ideas at both the state and the Federal level of just where we might begin to take note of how certain regulations and statutory requirements might be changed. That would include input from our chief state school officers, those who deal with our JTPA programs, the Chapter 1 and other programs that are administered at the Federal level and go to support the public schools at the state level.

I'd like to end with a quote from an excellent policy perspective article that was written by Sykes and Elmore. It is entitled "Making Schools Manageable: Policy and Administration for Tomorrow's Schools." This is what they said.

"It has been said of 19th century Prussian bureaucracy, to which the public education bears an increasing resemblance, that its operating principle was, that which is not required is prohibited. Schools would perform better if the operating principle were instead, that which is not required is permitted."

Schools would perform better if the requirements focused on areas where failure posed a genuine risk to adults and children. The corollary to the principle is the Zen proverb. To control a cow, you must make a large pasture.

Now, let me not leave by saying that I'm comparing our schools to the cow or the pasture, but I do think the Zen proverb is inter-

esting in that maybe in lessening the control we indeed make the pasture bigger and greener and better for the children in this country.

I would also like to echo Roxanne's comments, Mr. Chairman. When I was a greenhorn, starting as a teacher in a small school in the foothills of the Appalachians, I was inspired by your leadership. I sit here today and continue to be inspired by your leadership. I want to thank you for the millions of children that you have helped and all of us educators who have learned from your practice.

Thank you for having me today.

[The prepared statement of Mary Willis follows:]

NATIONAL GOVERNORS ASSOCIATION

Terry E. Branstad
Governor of Iowa
Chairman

Booth Gardner
Governor of Washington
Vice Chairman

Raymond C. Scheppach
Executive Director

Hall of the States
444 North Capitol Street
Washington, D.C. 20001-1572
Telephone (202) 624-5300

STATEMENT OF

MARY WILLIS
EDUCATION POLICY ADVISER
TO GOVERNOR CARROLL CAMPBELL

REPRESENTING THE

NATIONAL GOVERNORS' ASSOCIATION

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY & VOCATIONAL EDUCATION

COMMITTEE ON EDUCATION AND LABOR

U.S. HOUSE OF REPRESENTATIVES

JANUARY 30, 1990

Mr. Chairman, members of the subcommittee, my name is Mary Willis. I serve as the education policy adviser to Governor Carroll Campbell of South Carolina. Thank you for the opportunity to be here today representing the National Governors' Association (NGA) to discuss the Regulatory Impact on Student Excellence Act (RISE) recently introduced by Chairman Hawkins and specifically, my own state's experience in trying to provide greater flexibility in state rules and regulations to local school districts and schools.

As you know, education reform has been a top priority for many states over the last ten years. Education is big business for state government - on the average, states invest more than 35% of their annual budget in education, of which a large part goes directly to elementary and secondary education. Governors, therefore, must be and have been committed to improving both the efficiency and productivity of our education system. Moreover, it is clear that the future health of our citizens and our states is increasingly reliant upon a well-educated population and a highly skilled workforce.

Governor Campbell recently said, "We must substantially boost the performance of all Americans if we expect democracy and our economy to thrive. This process deals with elementary and secondary education as well as with everything from the readiness of children to start school to workplace literacy and lifelong learning for adults. Our nation must value learning for all our people - from cradle to grave".

Governors have been providing leadership and support for education improvement especially since the early 1980's. In general, state initiatives during those years focused on raising performance standards and providing resources to achieve higher levels of achievement. Changes, such as increased high school graduation and testing requirements for students, competency testing and new evaluation requirements for teachers, and new accreditation standards for school districts were intended primarily to increase the performance level of the lowest achievers.

While important, such changes were only the beginning of the enormous task facing us. We must go way beyond raising the floor of educational performance. In fact, we must dramatically elevate the ceiling of educational accomplishment for all students by increasing the proportion of students, from all backgrounds, who are performing at or close to the ceiling.

In order to accomplish this objective, a major restructuring of the education system is required. Such fundamental change requires a reorientation of schools so they focus on performance and results, not on compliance with procedures. It also means providing curricula and learning experiences that prepare students for the next century, giving each school's principal and teachers the discretion to make more of their own decisions, and the flexibility to more productively use

federal, state, and local resources in innovative ways that improve learning. Most importantly, restructuring requires creating powerful incentives for performance and for improvement, and real consequences for continued failure.

States will have to be aggressive in setting educational goals and defining outcome standards while leaving decisions about how to accomplish such goals to the professionals at the local level. According to the National Governors' Association's 1989 survey for Results in Education, restructuring efforts are underway in at least twenty-seven states. In addition, all Governors committed to restructuring initiatives in their own state at last year's education summit. Currently, approximately twenty states will waive regulations for schools participating in their restructuring initiatives.

State restructuring efforts vary from state to state. However, such initiatives typically involve a small number of schools, or school districts who have voluntarily chosen to participate. Participating sites usually receive some combination of financial assistance, technical assistance, and opportunities for waivers from state rules and regulations.

Last year, Governor Campbell in his State of the State address noted that our state faced the challenge of moving beyond average performance in schools to superior performance by pushing top students to higher standards and low achieving students to improved levels. He maintained that this would require greater flexibility and innovation at the local level.

He called on the legislature to take us beyond minimum standards by giving greater flexibility to those schools which have demonstrated significant achievement gains for all children, not just those at the bottom and not just those at the top.

As a result, South Carolina has essentially released, or "freed" if you read the headlines in our newspaper (a copy of which is attached at the end of my testimony), 125 schools which is about 10% of the schools in South Carolina, from a number of regulations that deal specifically with our defined minimum program, the Basic Skills Assessment program and the Remedial/Compensatory program required by the state.

To be deregulated, a qualifying school must get the approval of its local Board of Trustees within 60 days. If the board agrees, the school will be freed from state rules that:

- set minimum class size;
- stipulate how many minutes each week students must receive instruction in subjects like math, english, and history;
- require that teachers, principals and counselors be certified to teach a particular subject; and
- require annual audits of remedial programs funded by the state.

However, no school is permitted to scrap subjects completely or hire somebody off the street as teachers. Faculty members must still have the basic state certification required of all teachers and core curriculum requirements remain in effect.

The schools still have to administer both the norm-referenced and criterion-referenced tests. Also, state attendance guidelines are still in effect.

The reform is not new. Many businesses and leading corporations have put similar programs in place -- such programs are designed to cut back on layers of middle management and allow workers and professionals to have more of a say in how they do their jobs.

In implementing these changes, our operating principle was that any provision of flexibility must be clearly linked to greater achievement in student performance. In addition, a waiver agreement had to guarantee protection for those special populations targeted in the specified programs. We insisted that services for at-risk students actually be enhanced - resulting in better student outcomes. I believe these same principles must guide any federal provision of flexibility to states. In my state, we are acutely aware of the need to strengthen services and provide greater opportunities for our at-risk students. South Carolina's future depends, in large part, on the ability of these students to become productive, self-sufficient members of our communities and our workforce.

We have already learned some important lessons from restructuring efforts in South Carolina and other states. One is that educators frequently have a difficult time planning and developing new ways of organizing schools for better results. They often feel subject to a myriad of rules and regulations which stifle their imagination and creativity. A second is that educators typically do not, and can not, distinguish between federal, state, and local regulations, or between federal statutes, regulations, and state or local interpretations of them. The culture of our education system has been traditionally focused on complying with rules and requirements. Schools are often as concerned with meeting such requirements as they are in determining the best ways of meeting the needs of their own students. Educators are unable, and believe it is unimportant to determine which level of government is the most significant constraint.

Changing this situation, and realizing significant improvements in our education system, requires a federal, state and local partnership. Because each level of government affects the culture of schools, each must be willing to do its part to alter the pervasive school culture of doing whatever is necessary to ensure compliance. Each level of government must be willing to examine current statutes and regulations, and seek ways of providing greater flexibility based on the principles I articulated above.

We are, therefore, supportive of the objectives of the Regulatory Impact on Student Excellence Act (RISE), specifically the identification of new federal and state requirements promulgated since 1980. In fact, as stated earlier, the Governors have already committed themselves to conduct such a review of state rules and regulations. Therefore, we would ask that any review by the Secretary of Education be done in consultation and coordination with the individual state efforts through some type of realistic sampling process. States and the

federal government should work together along with local school districts and educators to make recommendations on how best to simplify the existing requirements so that more resources can be focused on improving student performance.

The National Governors' Association Task Force on Education, cochaired by Governor Campbell and Governor Bill Clinton of Arkansas, was established last July by the NGA Chairman, Governor Terry Branstad. The mission of the task force is to develop a consensus around broad based national goals in education to help chart a course for future education reform. The task force has received testimony and written comments from literally hundreds of organizations and individuals. It is our intention to present a statement of education goals at the Governors' winter meeting next month.

At the education summit, the task force was also charged with examining federal and state laws and regulations that would provide greater flexibility along with greater accountability to schools and school districts. The summit's joint statement explicitly directs us to determine what changes are needed at both the federal and state level to achieve significant and sustained educational improvement for all children. At the federal level, a survey was sent to each Governor, chief state school officer, and Job Training Partnership Act (JTPA) Liasion to solicit input on what barriers exist in federal law or regulation to achieving better results in a range of education-specific programs as well as programs used both to prepare children to enter school and to prepare adults to enter the workforce.

We are currently compiling the results of that survey and would like to share this information with you as soon as it is available.

Thank you.

Chairman HAWKINS. Thank you, Ms. Willis. The Chair will try to confine his inquiry to only one or two questions.

We have two members of the committee who are highlighting the session with their proposal. Mr. Smith has introduced a bill which provides great flexibility. It is co-authored by several members of the committee, including Mr. Poshard to my left. I don't know how many members have already been wooed by Mr. Smith, but I suspect several have.

Ms. Willis, I am quite interested in the experiment that went on in South Carolina in the—I think 125 schools you said—representing about 10 percent of the total number of schools in South Carolina that were freed—I think that's the word you used—from a number of regulations.

How were these schools selected to be freed?

Ms. WILLIS. Well, South Carolina has in place what I think is one of a few models where we actually are able to identify schools that perform beyond expected levels. California is another state that uses a series of looking at bands of performance.

We have a model that we call the School Incentive Plan which actually allows our state to more carefully compare apples to apples. What I mean by that is, we aren't asking schools that serve significantly different populations of children to be compared unfairly in terms of student performance and other indicators like teacher attendance and student attendance.

So, the basis of our flexibility plan is already set upon an existing program that's called our School Incentive Program which allows us, using a regression model, to actually compare schools that out-perform in terms of their own students. So we're not comparing school-to-school so much as we're comparing a school to its own performance.

Our flexibility law now requires that for a school to gain this flexibility status they must meet certain performance standards which not only include achievement but also things like teacher attendance and student attendance.

So, I do think that that's an important point and it's a good question because we built our flexibility program on a program that we think has been successful in that design.

Chairman HAWKINS. As I understand it then, from the explanation, you select schools that meet certain performance standards, that are in effect already performing reasonably well, I would conclude.

Inasmuch as you free these schools that seem to be performing well already, they obviously have also been subjected to regulations and rules which in spite of they are performing well. So it seems to be rewarding those that are already doing a good job of performing well, according to the criteria you used.

Ms. WILLIS. Let me, Mr. Chairman, add——

Chairman HAWKINS. Most of the proposals seem to address the problem of not being——

Ms. WILLIS. There are two problems——

Chairman HAWKINS. [continuing] of not being as selective or—let us say, we're going to free you first and then you go out and do well and we expect results.

Ms. WILLIS. Do better, huh?

Chairman HAWKINS. But you do it the other way around.

Ms. WILLIS. Well, there are two programs. Let me give you additional detail.

The flexibility program does require, as a condition for flexibility in terms of state regulation, some performance. But we also have another program that's called our Innovative Grants Program. Any school in our state is eligible for that.

That also has a waiver condition built in. Just as an example—this may not sound like a lot of money to some states, but for our state I think it's a significant advancement in terms of encouraging innovation. If you look at both our flexibility program and our innovation program, which any school in the state has access to, we would allow any school to receive up to a $5,000 planning grant and up to $90,000 for three years to implement an innovative program which any school in the state has access to.

So, if you add to it both the innovation component as well as our flexibility status—and we do indeed recognize that to some extent it may be, gee, why are you releasing these schools if they've already performed?

But I'll also say in respect to our state legislature, that our state has spent an enormous amount of time and energy proving to the public that you don't have to be 47th anymore. In that, I think we did learn that accountability includes not only a commitment to do better but we cannot send a message to the public—at least in our state—the perception should not be that in giving schools more decision-making that we have retreated one instance from our accountability measures.

I'll also add that in the school incentive plan many of the schools that we have freed are indeed serving the children that are the most unlikely to appear on this list, schools that are predominantly low-income, schools that serve children that are very disadvantaged. I think that's quite an accomplishment, to have as many schools on this list that the average person would never predict would make it, as well as schools that might serve children that come from higher income levels.

Chairman HAWKINS. Well, I certainly don't argue against your position, and I commend you, as a matter of fact, for doing a good job. I especially applaud the Incentive Grant Proposal that you've worked out. As a matter of fact, in some of the hearings that we've had we've had testimony from South Carolina that you're also doing a good job in the effective school field, that I'm very much involved in and certainly feel that that certainly speaks well for the state.

I was just only making the point that we are concerned about those schools that may not be performing well and getting them into the same category as your 125 schools and offering the opportunity—we have tried to put into the School Improvement Act of 1988 provisions which I think would support what you're doing, particularly the school-wide projects where incentives are being offered to schools that are really the schools that you refer to, where there is a concentration of disadvantaged children. To encourage them to do this and to offer them the opportunity of combining programs and also receiving financial incentives in order to do so.

Now, we do recognize that there are some areas, particularly in the handicapped program, for example, that we have not touched and that we've got to do something in those areas.

Ms. WILLIS. Our state program also leaves those programs intact.

Chairman HAWKINS. Fine. Well, we certainly will be looking at South Carolina, and we certainly appreciate your testimony.

Mr. Patterson, I think you wanted to say something at this point.

Mr. PATTERSON. Yes. I just wanted to support—having been in South Carolina and having three of my schools out of 13 who were Incentive Grant schools—one of them was a school that was about 75 percent minority and about 90 percent free lunch. In the linear regression used, they were far superior to the average school in their cluster or category.

On the other side, there was one that was very small minority, like 30 percent, and had like a 12 percent free lunch. So, it has managed to do that.

Let me say that I think in South Carolina—and I hope this is not negative—I think you're going to have to release schools who are doing well to show that regulations don't have any effect on that. There are some regulations that do not affect school advancement in a whole array of things.

Those are the kinds of examples I believe that can come forth in a study because there are other states in the Union that have very few state regulations. New Hampshire comes to mind. It is much, much easier in some states to get freed than it is in other states.

Chairman HAWKINS. Thank you. Mr. Oglesby.

Mr. OGLESBY. Mr. Chairman, if I might have a moment of personal privilege.

As you know, the National School Board Association is having its Federal relations network here and a number of the members in the audience are local school board members from around the country. We want to have those persons stand and be acknowledged.

They asked me what does a committee like this do and I've been trying to tell them that it does an excellent job in listening to the testimony and about how valuable and important it is. They also know Mr. Smith as a former school board member from the State of Vermont and they want to see what a school board member in Congress does.

[Laughter.]

Chairman HAWKINS. Well, they'll soon find out. It isn't always milk and honey, I can assure you. But I think we have members here this morning who are specifically providing leadership in the field that we are discussing. We are appreciative of all the recommendations that have been made and we'll accept them with the usual reservations of any committee.

But I think we're touching on a real serious problem and we're not including many others personally. I think there's a lot more that needs to be done in the field of education than so-called deregulation. We are touching on accountability, for example, which is also included in the 1988 Hawkins-Stafford Act.

Unfortunately, one of the problems that I have is that this committee has been able to pass some very good bills but the problem is execution. That's the most serious part of it. Most of us don't

even look at the School Improvement Act of 1988 which provides many of the things we are discussing—but other things are being sold and I sometimes think we are more interested in exotic fads than we are in real school improvement.

But that's only an opinion of the Chair. Let me yield at this point to Mr. Smith of Vermont, the gentleman referred to, and one of the able members of the committee. We have a terrible time keeping him from being over-aggressive.

Fortunately we've always had good representation from the State of Vermont. Mr. Jeffers, before Mr. Smith, was one of the staunch supporters of American education and we certainly have been privileged to have Mr. Smith before the committee this morning.

Mr. Smith, we yield to you.

Mr. SMITH. Thank you, Mr. Chairman. You know, it's always daunting when somebody refers to you, as my mother might say, sometimes damning with faint praise, and when you know that he has been in this body longer than you've been alive almost. This always gives me pause to think.

I think, to answer your question, sir, what you see here is a group that is in many regards struggling with all the imponderables that any school board struggles with every day. Maybe we do it in the bright lights and you only get the bright lights when something terrible happens. We may do it with a little more notoriety than you have and maybe a little more than we'd like sometimes.

But I think the purpose of the bill today, and really what I would like to suggest, is that we are all in this conversation after the same thing. I have taken, with Mr. Poshard, I think a little more dramatic approach to it. But I can assure you that as I read this bill—and it is one that I look forward to supporting—that we may be headed in slightly different roads to Rome, but we all want to get to the same place.

I think we're all trying to address the same problems, and these are by no means the first steps. Congressman Goodling and Congressman Ford have written legislation on audit reform which I think is not the most politically appealing subject, it's not the kind of thing that gets the Congress to stand up and bark, but the bottom line is that it is very, very important at the level where you folks spend your time or teachers and administrators spend their time.

Congressman Hawkins and Senator Stafford with their school improvement bill took another step down this road. So I see this entire conversation as the next in a series of steps as this country tries to grapple with an enormously difficult problem that involves money, to be clear, but also, I think, it involves a fundamental question of what kind of work places are schools.

I think my basic premise, having talked in an organized fashion with teachers all over this country during one part of my life but also all over the State of Vermont within the last four or five years, is that there is real trouble in paradise.

The fact of the matter is that we're about to lose an enormous minority, if not a majority of our teachers, by the turn of this century. We don't have the people in the pipeline to come and be teachers. There is a fundamental reason for that and that is be-

cause, for reasons of pay but also for reasons of professionalism, schools are not seen as a reasonable place for people to spend their time.

Until we deal with the fact that schools have to be dignifying places for individual men and women to work as professionals with appropriate latitude and flexibility to make professional decisions and be held accountable for those professional decisions, I think we're going to fail to attract the kinds of folks and the numbers of folks that we want.

Unfortunately, the same is true, as I understand it, with special education where we are losing the best and the most gifted teachers that we have because they're spending more time on paperwork than they are with children. Too many children with special needs are being dealt with by aides because the teachers with the credentials have been driven up the ladder to deal with more administrative and legal problems. Also, have people not being interested with coming into the profession.

If you look at those and if you love education and you love the dream for children's future that education in this country is about, you see a system that is on the verge of imploding on itself. That is why I think Congressman Goodling and Congressman Ford have done what they've done, and Congressman Hawkins and Congressman Stafford have done what they've done on the earlier steps and why Congressman Poshard and I in our way, with a few other members of the committee—it isn't quite the stampede to our bill that I would have liked to have seen—but we've succeeded, I think, so far in participating in and adding to a conversation that this Congress and this country simply has to engage in.

This is, what is it about schools that if we change them will make them better places for children to learn, where better learning and higher learning happens and better places for professional people, called teachers and administrators and maybe some other kinds of professional people, to work.

I see Congressman Hawkins' bill here as being right on that same subject. I think the conversations can overlap, quite frankly, one bill from the other. I think we're moving the ball down the field.

Now, I do have a question. It really would be for any of you. The three questions that come up continually in this are, one, assessment; two, protection of special populations; and, three, the nature of the Federal/state relationship as it comes—and I'm going to leave local out at that point, we all know the nature as it hits schools.

Without going back over your testimony, the question has three parts. One, where is the hope in assessment? I mean, where do you folks—as administrators, as policy people, as representatives of teachers—see assessment of learning going so that we finally are able to understand the value that we are adding or not adding to children?

Two—specifically in the case of South Carolina and the projects NGA has done—beyond I guess the criteria to go into a program, what are the steps that you've taken to protect special populations? Because I don't think there is a person here—and I know I speak for myself and Congressman Poshard, although I rarely even try to

do that—that we have no intention to do anything other than help and get a better education for special population children.

Third, can you describe the impact that Federal regulations have on state bureaucracies? I concur with what I think I've heard across this table: state regulations are far more of a problem than Federal regulations; however, Federal auditors do have something to say about what goes on in local schools. It's not a question of laying the blame, it's a question of trying to figure out how the culture has evolved so you have the feds here, the state here, and the little local school down here with some teachers and administrators struggling to educate some children.

I persist in believing that when we get done with this study we're still going to see some things that the Federal Government can do in a more enlightened way to let the system breathe a little. That is fundamentally what I'm after, is to let the system breathe a little bit at the level of the school which is where teachers teach and children learn.

Those are the three questions.

Mr. OGLESBY. Mr. Chairman, I'd like to—Mr. Smith, I'd like to compliment you on your understanding of the problem and how you articulate that problem because it is a problem.

One of the things that has been pointed out, and you pointed it out very eloquently—I want to address the part that deals with the paperwork part and then I want to give you another comment on assessment.

The paperwork situation on Pub.L. 94-142 is this. Under Pub.L. 94-142, when that bill came out, it came to the State of Missouri and they added House Bill 4724 to it. House Bill 474—Pub.L. 94-142 combined is going to require that a specialist that's delivering service to a child spend as much as 40 percent of that time on paperwork, on staffings, on signing papers, getting people together, and it renders the remediation process almost nil.

You cannot spend the necessary time that is needed to provide for the services by which the resources have been allocated to deliver.

We understand accountability and we'd like to focus on how we can be accountable. But when the accountability process interrupts the delivery of the service, I don't think that it does any of us any good and it focuses on the fact that our system is grinding to a halt.

The example I use is that if a bill flying through Congress and the word has gone out to kill it, that a number of amendments are added and eventually the bill becomes unpopular that no one can support it.

That's about where we are with our public education system. So many regulations and amendments and changes have been added over a period of years that it's getting so unpopular that it's becoming difficult for persons to support it. We want that support and they want to support it, and they realize how critical it is to the Nation and also to the states.

But as we try to deliver those services, a number of times we grind to a halt because we are confined by regulations. You are particularly correct in the fact that those persons that are bright, articulate and energetic, when they come into a bureaucracy like

that, I think you and I both know that they don't function very well in bureaucracies.

Therefore, when they come into a school system thinking that they're going to have the flexibility to teach their classes and run into the bureaucracy, they just go right out the door. We have a crisis in our teaching profession now by getting persons to come in and to teach and not be burdened down with requirements.

So, this is a valuable piece of legislation, as well as yours.

On the issue of assessment, I serve on the President's Advisory Committee on Education and I have made the point to them that there is no way that we can assess what a kid knows today with the current instruments that are in place. There is nothing magic about ACT, the California Test of Basic Skills, or the SAT, or the Iowa Test of Basic Skills. Those tests were developed, I believe, for a different era.

We need some research now on how we can assess what kids know and what they can do. We are being kicked around now by tests that are evaluating a small segment of what students know.

Our students at the local level, now they are pretty much like Einstein. Einstein was once asked why he didn't know his telephone number. He said why should he use his brain for a storage bin when he really can go look that up. He wanted to use his brains for thinking.

We have some kinds now that are coming along that say why should they have to remember where certain things are when they can quickly look it up. We are saying one thing, sir, and we are focusing on another one. Hopefully we can address some or these while we're here.

Mr. PATTERSON. I would like to take a little different tack about assessment. What we've done is we've given all kinds of tests and examinations and we've really not often used the results. We have a very large amount of information, if we used it correctly.

I would add that we have some systems over this country that are doing criterion reference tests for themselves. Large districts who have bought the expertise and developed it and they do well.

I'll say this for South Carolina's experience, as an example. South Carolina is the only state in the Union that is probably still being able to match—now this is the fourth year—a standardized or norm reference test for individual children. That's how you can do the linear regression and get what's happening. This is very uncommon to have gone to that point, but they do have that.

There is no question that we use and abuse tests. When I was in a school system 25 years ago that was very wealthy, no low socioeconomic or minority children to amount to anything, we were great on handling our tests because they all were very good.

When I've been in districts for the past 15 to 20 years that have averaged anywhere from 50 to 56 percent minority and 60 to 70 percent low socioeconomic, you have to struggle to make that.

But in the small school system that I currently represent, we've done some right interesting things with teacher involvement and we can tell you on last year's Stanford Achievement Test exactly the areas that each grade level in which we were weak. During this current year, in both the grade level above where they took

the test and the one in which that test was given, we are highlighting concepts that we did not do well in.

Now, that is an expensive process the larger the system. But we know more right now about assessment than we use. It's a shame that we don't use it more. We need to start.

I can tell you, there's a lot more positiveness out there in schools than there is in the national media and in the Congress about schools—and the governor's offices, I guess.

Mr. SMITH. I can't speak to governor's offices. Let me just follow-up quickly. No. I can see the Chairman reach——

Chairman HAWKINS. Well, we'll give you an additional minute or two.

Ms. BRADSHAW. Mr. Smith, I'm always pleased to take the opportunity—I've spent 25 years in education at one level or another—I come out of my background being a primary teacher, kindergarten and first grade, and I most recently hailed from higher education having currently been on leave from Pikes Peak Community College in Colorado Springs, Colorado.

I guess the frustration I experience is that in education we continue to do the extremes of the continuum. We are either going to spend it all on academic excellence or, when in fact we find that in doing that we have now beleaguered the funds of vocational education, we're going to spend it all on vocational education.

I think when all of the monies are spent from the Federal level our concern is that the monies go for the children and the programs for which they are intended and for those who need it the most. I know that's the reason in why we establish the concept of regulations.

I encourage that there must be some place between what we started out with when we didn't have the Federal programs prior to the Johnson era and where we are now with having a myriad of mandates and regulations. There must be something in the middle of all that.

I would encourage that very often what has happened at states is that the state departments of education, which really are a management structure within the state, could handle the majority of the paperwork and the requirements that come down. They could pass on very little of that to the local level, to the local district. They have the information in the data to feed back the requirements that you have at the Federal level. I encourage that we start to use those management systems more effectively at the state level.

I guess the frustration I have is that if you lift all regulations and controls, you may well end up with meritorious allocations of monies. I would share the concern that I think was being voiced by the Chairman in that those who are doing well will be able to do even better because they'll receive more, and that's not where we want to go.

On the issue of assessment, I would encourage that very often in the effort to simplify things we look for one test score, one assessment. I'm going to tell you, as a teacher, I know many children who I can tell you a lot about and I'm capable of assessing what they do well and what they do not do so well. But very often that is not an indication that is apparent through a test score.

So, I encourage that we move away from looking at assessment as being the end-all to all problems by having a single test score, that we allow the teachers to have the opportunity to use multi-assessments in identifying problems and that we look to removing the paperwork.

By the way, as a sideline, if you want to make my environment a more professional environment, I would welcome a telephone on my desk and a computer on my desk.

Thank you.

Chairman HAWKINS. Thank you. Mr. Poshard.

Mr. POSHARD. Thank you, Mr. Chairman. Mr. Chairman, let me say, as some of the other members have said before, I'm very sorry to hear that you're leaving as Chairman of this committee.

As a freshman on this committee, you've allowed me to express my own opinions and be myself about this business of education. I just want you to know how much I appreciate that.

Chairman HAWKINS. Thank you. You're not going to be rid of me in December, however.

[Laughter.]

Mr. POSHARD. Well, I hope we won't. That's for sure.

I've been sitting here listening to the testimony—not to sound like this is funny or anything, but I'm kind of laughing inside about a lot of this because depending on which level you sit in government you hear different stories from almost the same organizations.

Let me give you a scenario that I've run into a hundred times just since I've been in Congress because I go to school board meetings, I've spoken to the Association of School Administrators, to several school board in my district, I've been an administrator, a teacher. This is the scenario.

I go to the school board association meeting in my district and then I go to the school administrators. I say, what's the problem with education out there? Oh, it's these rules and regulations. They're tying our hands; they're killing us. We're overburdened with paperwork; we never get time to teach in the class. Education can't survive. Too many rules and regulations.

Now, that's what I hear your school board members say when I go to their meetings. I hear the same thing, only ten times worse, from the school administrators when I go to your meetings.

Yet, in your testimony here, Mr. Patterson—not to disclaim your membership—you say that none of this is due, really, to the feds, it's due to the states predominantly. Let me go on and then I'll ask you to respond.

From reading your testimony, Mr. Oglesby, you pretty much concur on that. Now, in 1985, in the state senate on the Education Committee in the State of Illinois, I sat as a member of that Education Committee and I heard the same testimony, just about, from the same organizations, only at that point in time everybody was blaming the feds.

So, if you sit at the state level, you hear that the Federal Government is at fault. If you sit at the Federal level, you hear that the state government is at fault. The local guys—the administrators and the school board members doing the job at the local level—they don't know who is at fault.

Your testimony indicated that one of the big problems we have is the fact that people don't know who is at fault with rules and regulations. They don't know whether it's the state or the feds or the locals. That's the truth, and that is the problem.

Mr. PATTERSON. You're absolutely right. That's what I tried to say in my testimony. Let me give you an example.

Mr. POSHARD. But let me ask the question first.

Mr. PATTERSON. All right.

Mr. POSHARD. The question is, you speak of accountability as a balance between state and Federal and locals. You say that accountability in essence is that the folks who provide the resources want to know that the resources are being used appropriately.

Exactly. I agree. But is it because the state provides most of the money that everybody gets tangled up in the regulations from the state? I don't know. I'm getting all kinds of mixed signals, depending on where I sit and whom I listen to at different times.

So, straighten me out here.

Mr. PATTERSON. May I try to respond?

Mr. POSHARD. Yes, sir.

Mr. PATTERSON. I don't want you to feel that I think they aren't Federal regulations that are a burden, but every time a state either adopts a law, as Jim said, in Missouri, or in South Carolina, or in Alabama, if it has anything to do with the Handicapped Act, Mr. Chairman, it's considered a Federal regulation.

We have many state regulations and burdens and lack of definition. I can tell you, no one is absolutely free of the concern, but I can go back to a large school system where one year I, without the superintendent's knowledge—I was a deputy—did not ask that 17 reports be completed because I could find no one that was using them.

In Greenville County I put them in a file and 18 months later I took them to the superintendent and I said, "Here are 18 reports that I did not have completed by the schools and/or teachers and not a soul had asked for the information." I can tell you that's happening now.

But our big problem—the Catch 21 that we are in—let me use the Handicapped Act. I mentioned learning disabilities. I could talk about socially maladjusted, developmentally disabled, all kinds of things where when you get to trying to describe for somebody—it's like for us in education—and if you've been a school person, and I've been a principal—it was always we kicked the ball someplace else.

Well, I'm telling you, I'm probably, even in a small system, just as much a problem as the bureaucracy at the state and Federal level because we do not look, generally speaking. But I'm telling you, if we're going to improve schools we'd better pare regulations.

Mr. POSHARD. Sir, let me ask you this question. What is it that creates such a fear in the states for mandating all of these additional rules and regulations based upon what they think the Federal Government wants? What is it that creates that fear? What are they afraid of? If the rules and regs aren't necessary at the state level, what are they trying to do? Why do you need to do 16 reports that nobody ever asked for the information from?

Mr. PATTERSON. Mr. Chairman, is there protection for me to get to the plane this afternoon?

[Laughter.]

Mr. PATTERSON. The answer is you get a bureaucracy. I can speak to South Carolina's and Alabama's.

I became a superintendent in 1974. The state department had 700 employees. Today it will pas 1,400. In Alabama it has doubled or tripled in the last 12 to 15 years.

Now, they write regulations so they need a position, and they need a secretary and a clerk and three field people. Now, sooner or later this has got to get on—the same is true with the Federal regulations too, I want you to know. You create an office—and if you have an office in Washington, there have got to be six or seven or eight regional offices with attendant staff.

We send reports to many, many places. This regulatory look will tell us what are we doing. I can tell you—I'll just be perfectly honest since there is no one here, hopefully, from the state department in Alabama.

[Laughter.]

Mr. PATTERSON. Also, I no longer have to report to Governor Carroll.

Ms. WILLIS. Then I probably won't defend our state department until I hear what you're going to say.

Mr. PATTERSON. I just ignored a lot of rules, and I do now.

Mr. OGLESBY. Mr. Poshard, I'd have to tell you. If you've been to as many meetings as you say you have, you know if you ask school board members right now what's their biggest problem, they'd say money.

I'm willing to say on their behalf that in all cases it may not be money. It could be that there is enough money in the system but it's just not getting to the right place, it's just not getting to the classroom.

If you look at all of the bureaucracies that have been built up to respond to Federal and state requirements, then it's labor-intensive to fill out these reports. We even have them at the school district level filling out these reports.

People complain about the number of administrators we have, but we need every one of them to keep all these reports generated. But, by the same token, as we are focusing on that, I want you to be very clear on the testimony that I have here. That testimony says, we believe that we need to relax those requirements in order to free-up the persons that are there to deliver the service to the children of which we believe that the Congress has allocated those monies and written the law for.

Wherever the requirements come from—Federal or state.

Wherever the requirements come from. You see, at the local level our constituents that point fingers at local school board members—believe me or not, they can get us right on a first name basis. Any time we walk into a restaurant and sit down and eat and order your food and somebody taps you on the shoulder and says, "I've been intending to talk to you about something," you just may as well figure you've ordered some food that you aren't going to eat.

The sad part about it is that when they look at us, they see all of us in the same box together. They aren't sophisticated enough to say, well, this is a Federal regulation, this is a state regulation, and this is a school district policy. They see all of it as part of the bureaucracy that's keeping the service from being delivered to our kids. I think we all need to look at that.

Mr. PATTERSON. May I add, Mr. Smith and I had a chat yesterday when he came to a committee that I happened to be attending—I want it clear in your mind, Mr. Chairman, and this committee, that we will be foolhardy if we cut out equity regulations, handicapped regulations because we're going to spend our time then not dealing with the bureaucracy but with the judiciary system.

Mr. OGLESBY. That's right.

Mr. PATTERSON. I don't want to spend my school money that way. We have got to have regulations. As a person who has been a very favorite newspaper letter person back when we desegregated some schools in a couple of districts I was in, I don't want to go back through that.

The choice is one of those issues, Mr. Chairman, that I'm tired of hearing about and I hope you can help us stop that question too.

Chairman HAWKINS. I'm glad you said that.

Mr. POSHARD. Let me say emphatically——

Chairman HAWKINS. The gentleman's time—we'll try to get back to you.

Mr. POSHARD. No, that's okay. Thank you for your forbearance, Mr. Chairman.

Chairman HAWKINS. I'd just like to include the other members. Mrs. Unsoeld is gone. I thought she wanted to.

Mr. Gunderson.

Mr. GUNDERSON. Mr. Chairman, I don't know if I have any questions or not. I just want to begin by saying publicly I guess what I've shared with you privately, and join everyone else in expressing my regret at your decision to leave this committee. I hope that doesn't mean that you're departing from your commitment to education.

I want to share with everybody in this room a prime example of how powerful and respected this Chairman is. I've looked over your statements and in essence you all support this particular bill. I'll guarantee you, if this bill had been introduced by a Republican, you'd all be there today opposing this bill. But because it's introduced by the Chairman, you're all here supporting it.

I think that's a dramatic statement of the power the Chairman has and I think it's a fantastic bill and I compliment him for it.

I only want to engage in you all in an area where you can frankly help us on this issue if you really believe that regulatory concern and funding needs to be addressed and funding needs to get into the classroom.

On a strong bipartisan basis this committee and the full House of Representatives passed the Vocational Education Act. We frankly made as a part of that a decision that money ought to get into the schools and it ought to be in the delivery of services.

I don't need to tell most of you, I don't think, that at least this member, and I know other members of this committee, have really been taken through the coals on that particular bill because some-

how or another all of the sudden our state departments of public instruction have found that Federal voc ed dollars aren't going to fund state bureaucracies.

We have had an absolute war in the State of Wisconsin on this. As you know, the Senate has not at this point seen fit to follow suit with us. There is a real effort to try to make sure that we do not succeed on the general direction of our voc ed reauthorization.

More than a question, it is a request. That is, if you all really believe what you have said in your testimony, that you will then also engage your organizations in support of the House legislation on the reauthorization of the Carl Perkins Act.

Mr. OGLESBY. Mr. Gunderson——

Chairman HAWKINS. Go ahead.

Mr. OGLESBY. Mr. Gunderson, I may as well tell you because I'm on record over at the White House as saying to the President that we're going to have to stop playing politics with our children. We educate the kids of the Republicans and the Democrats, even those people that don't vote.

So, we're going to have to stop playing politics with our children and we're going to have to focus on what is going to be needed to get our educational system competitive on the national basis.

This legislation that I believe should be non-partisan. Everybody should support it just because it's the right thing to do.

Mr. GUNDERSON. Good for you.

Mr. PATTERSON. Mr. Gunderson, my organization has supported your bill. We did defeat one of the very bad amendments in my opinion, the Durenberg Amendment, in committee.

We have a network that met yesterday. People are visiting the Hill today and we are going to try to pass that act as nearly as it came out of the House as we can.

Mr. GUNDERSON. Except, if I understand, the Durenberg provision leaves up to the states where they spend their voc ed money, on elementary, secondary or post-secondary. Is that the one you mean?

Mr. PATTERSON. It's not quite that. He puts in a percentage that gives us a lot less money and it does not force it through to the LEA's and that's why we fought it. We want it to go to the LEA's.

Mr. GUNDERSON. Well, why don't you just take the House bill? We don't——

Mr. PATTERSON. We would do that——

Mr. GUNDERSON. [continuing] percentages either way on that.

Mr. PATTERSON. But you understand, we've got to operate with their rules over there and they are changing it. We would take the House bill. Our senators have been asked, I know—I think a majority of the senators in the Senate have been personally visited by a member of AASA in the last day or two, or will before they go home tomorrow, to say we would prefer the House bill.

Mr. GUNDERSON. Good.

Mr. PATTERSON. That's what we're trying to do. But we've got to take what we can get out of a committee and then on to the floor. But we will keep it as near the House bill as we can.

Mr. GUNDERSON. Good. Can we get NEA's help on that too?

Ms. BRADSHAW. I think I would concur with my colleagues up here. That as long as the commitment is getting the money where

it's going to do the best job, which is with the students, I would take you on on your first comment. I think we would be here if there were a Republican in charge of this committee on this particular issue.

If there has been any problem, I would share with you that you have the opportunity to change all of that because I think the problem has been based upon suspicions regarding historical motivation of intents. I think you can change that history. I think NEA has certainly changed that history with its endorsements, which you can check.

Thank you.

Mr. GUNDERSON. More power to you.

Ms. WILLIS. I would like to speak on the part of a governor who has spent a lifetime arguing that the worst thing you can do for kids is take a partisan point of view. This is said from a state that is very partisan in its education programs, all the way from the fact that we have a partisan-elected state superintendent. So, our entire system is structured around partisanism and I think that's unfortunate.

Let me also say, Mr. Chairman, that the last thing we need is Federal money staying in the bureaucracy. Under the Chapter 2 funds that come to our state we are funding over 46 positions at the state level, money that never gets to kids, money that never goes to districts, money that essentially is maintaining a bureaucracy.

Then we carry over more than ten percent of those funds every year, which is a million dollars of a slush fund that that agency can just tinker with any way that they want to.

Let me also say, given the fact that the governor only has an advisory committee, emphasis on advise which means they can absolutely ignore any advise that our governor's committee brings to that agency, and they do and they have and they will continue that. I would bring that to your attention from a state that has built its 47th place I think on a bureaucracy that doesn't serve children in every effect.

Mr. GUNDERSON. Thank you. Thank you, Mr. Chairman.

Chairman HAWKINS. Thank you, Mr. Gunderson. Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman. I, too, would like to express my sadness concerning your decision to retire from government after only 50 years of service.

I certainly feel privileged to have had the opportunity to serve with you, one of two heros in education that I had as a little boy growing up. The other was Adam Clayton Powell. It seems to me that you have actually moved up to that level and I view you in that same light, as a real proponent of education. I certainly wish you success in your new career. I'm sure you will be very active.

I would just secondly like to say that I agree with the panel, that I don't believe that education should be partisan. I don't think that if this bill was introduced by a Republican that you would not be here.

I'm sorry that partisanism was even brought into the discussion because I was very pleased that the statements in the campaign—since we're talking about partisan—of President Bush, indicated he was going to be the education president. He indicated that that's

the number one item on his agenda and he's going to see to it that every person has the right to an adequate education.

When I look at the education bill which has not grown, and I see education programs defunded by the President in order to start to increase Headstart by taking away monies from other very important education programs, it is not only like robbing from Peter to pay Paul, but it's actually killing Peter to pay Paul.

I think that it's great to have these thousand points of light, but if you don't have any electricity or batteries, nothing is going to happen. So, we're not partisan but I'm disappointed in the lack of priority that education has taken in this country.

I would just like to say that this discussion is important. As a former educator, the burdens of the local teacher that this legislation addresses is very familiar to me. So I agree very, very strongly with the legislation.

Just one week ago, I held a meeting with the six superintendents of my district—the largest city in the state is in my district, Newark. The superintendents talked about just these kinds of problems and the lack of fair funding.

We still fund education in states as we did back in the days of the Confederation. In those days you brought a certain number of eggs and a couple of chickens and if your little township had more eggs than chickens, you had a little better deal going.

It's the same way today. It makes no sense that in some towns there is a computer on every desk and in other towns won't even be a pencil on every table. It's unfair and will not improve until we change the basic formula for funding—as a matter of fact, funding in our state is not based on the census. It is based on attendance.

In a poor district where children are hungry and maybe do not have proper clothes to wear on a snowy day, they don't get to school. So that particular school district suffers and it's where the most problems occur. As a result, the schools get penalized. That's unfair. That makes no sense.

On the question of dollars in the education budget that have to go to security and to drug education, if you have serious problems as we do in urban centers, then fewer dollars can go directly to teacher salaries, improving building conditions, education, and equipment.

So, I hope that as we look at this bill and when the reports come back, hopefully we can see some change in the approach to education.

I'm also disturbed by the number of minority students being enrolled in special education classes because they may have problems in behavior. The easy way out is to get the study team to say this person belongs in special ed. Schools get special money from the state and the children are put over on the shelf somewhere.

There also exists the growing problem of illiteracy in this country—the numbers range from 27 to 60 million people. The costs related to literacy are $225 billion. These are people who can't read medicine directions, or cannot read bus schedules. This is a very, very serious problem that we have.

I sponsored the National Literacy Day legislation resolution last year because we are going to have to deal with the question of illiteracy in the workplace and illiteracy in our schools if we're going

to compete with Europe 1992 and Eastern European democratization. We're going to have to be able to educate people to compete if we're going to be competitive in the world.

I don't have any questions, but if any of you have any response to my statements, I'd be happy to hear them.

Mr. OGLESBY. Mr. Payne, I appreciate your statement. I want to say to you that those of us at the local level are very concerned.

We're very concerned because everybody is criticizing our education and comparing us to with the Japanese, with the Chinese and the European community. But when we go across and look at the number of dollars or the support that is given to education in other countries and compare it to what is done here in this country, there is virtually no comparison.

The inputs and the outcomes that we describe our education by, and as we focus on the kinds of things that you just described, it causes us to be put in opposition with each other. Congress points at states and local school board members, those of us that are down there. We try to be cordial and try not to fight back.

But every now and then you're going to have to understand that at the local level when we have 65 or 75 percent of our money coming out of personal property taxes and our persons at the local level are saying to us that we're spending more of our money on property taxes than we can afford to, in addition to all of the other taxes that are there, you're putting us in a no-win position.

All of us here want to support education and I believe that our people in this country want to support it. But when you're playing Mexican roulette or Russian roulette, or whatever, with the resources here, as you've described, it causes us to wonder about the sincerity, and this is an election year. There are persons that are concerned about whether or not we're going to be able to get from Point A to Point B while we are focusing on the education of our children.

If education is the number one priority by this Congress and this President, then we're going to have to demonstrate to our people that it is a number one priority by reallocating resources to it before you go to S&L, before you go to Panama, before you go to any foreign aid.

We need to take care of some domestic infrastructure problems in this country right now and give our public the confidence that we are going to put our money where our mouths are and not necessarily stand and play politics with the education of our children, and that's what they see us doing.

Mr. PATTERSON. If I might——

[Applause.]

Mr. PATTERSON. If I might add, the White House budget is an interesting document, but the press releases are even more interesting.

Defense is getting a two percent cut on what they would have expected had they got four point something inflation rate. Education is getting a two percent increase but we got a two percent cut if we're going to have inflation. So, somebody's got to stop talking out of both sides of their mouths.

We know that we are lower on the totem pole, but we are going to continue to lay at your table the things that can help us.

Let me say this about the question of buck-passing. It's very simple for us to pass the buck. But the reason we have a lot of negativism in this country, unfortunately, is that the press and a lot of people have caused the public to believe you can't trust school boards, school superintendents and teachers. There are just as many very quality type people as there were 35 years ago. That hasn't changed. It's just the language that has changed.

So, we have to get beyond that trust question. It's very difficult to do when you have all kinds of things occurring or you have professionals who have a way of saying something that means nothing but it appears to be critical of somebody. We've really got to deal with this question of trust.

I don't distrust the Congress. I think we fail at times to give you enough information for you to act. We are guilty when we fail to do that. But we appreciate your willingness to listen to us.

We still have got to do something about the question of so much money going to things that will not improve education one wit, and that's what we've got to deal with. If this bill can do that, then that's precisely what we need to do. We need to get on with it.

I'll appreciate your comments and I hope we can help continue to do that.

Mr. OGLESBY. Members of the committee, I want you to know that Johnny can read, contrary to what the press says, and I think he's reading that we're setting a bad role model. I believe that he's reading that we are not doing what we say we're doing and the impression is given that we do not care about the education of Johnny, nor Mary, nor any of his friends.

I think that's a bad message and I believe we need to fix that.

Chairman HAWKINS. The Chair would yield to Mr. Smith.

Mr. SMITH. I simply wanted to say I'm sorry Mr. Gunderson has left. We all know that there are times when this committee is partisan and that's part of the game. That's what we're here to do.

I have to tell you something that I think people on both sides of the aisle know—and I don't think Mr. Poshard was here when this was said—that certainly in your encouragement and openness and consideration of H.R. 3347, which continues today, there has been nothing but, I think, the best and most open and most appropriate encouragement of some difficult thinking. I appreciate it and I know my other colleagues on this committee who support the bill appreciate it.

I would simply say, Ms. Bradshaw, that I have been able to talk with our Chairman, I've been able to talk with the National Governors', leaders of other major teacher organizations, school boards, principals—I have yet to have a high level of conversation, despite repeated requests, with your organization.

I'll look forward to that because I think from hearing you today we are in substantial agreement in terms of motivation. I know you have concerns about the bill, but we're never going to get down to it until we sit down and really get across the table. It hasn't happened yet and I'll look forward to it.

Ms. BRADSHAW. I would say that I think there are lots of points of agreement. We just have a very popular president and he is doing yeoperson's duty around this country. But I know that you are on one of his lists.

Mr. SMITH. I mean no disrespect to Mr. Timmons certainly, but I'd be delighted to talk with you. I don't have to talk to the president.

Ms. BRADSHAW. Well, maybe we'll have a few moments for that.

Mr. SMITH. I know how busy he is.

Ms. BRADSHAW. Let me just share that I think so often we deal with education in isolation. I think that's maybe why we're in so much trouble. I think if we would start looking at the part of education that is the major contributor to the gross national product and we look at the difference between militarism and stockpiling and what stockpiling contributes to the gross national product, and let's not stockpile kids.

Thank you.

Chairman HAWKINS. I hope that the gentleman's remarks will not in any way affect the hearing of the committee. As I have indicated, the bill you offered, Mr. Smith, along with the other bills, will certainly be given a full hearing. I assume that all of the witnesses—or, the organizations they represent, will be invited to testify in due time before the committee.

I don't want to identify them either as Republican or Democratic at this time, but the organizations will be invited, or any witnesses that you care to have invited will be included.

This little simple bill has certainly invoked a lot of interest today and I'm delighted at the reaction. It's a rather simple—it only asks that we identify regulations. It isn't the Chair's position to oppose or to in any way defend regulations as such. We need to know the truth about where the regulations are and which ones we should identify, the reasons for them, and have some mechanism whereby we can attempt to simplify them. I guess everybody is for simplification.

That's about all the bill attempts to do. I'm quite sure that the witnesses today have contributed toward more clarity in connection with the subject matter. It's good that it's come out into the open so we won't be blaming each other either on a partisan basis or on a professional or organizational basis. Whatever level of government we represent, we will identify where the regulations really are and to what extent do they contribute to the education of children.

The Chair would like to have unanimous consent to put into the record the record of a previous hearing, the hearing on Fair Chance, which was held last Wednesday, the 24th. A report was released by the Economic Policy Institute.

Subsequent to that, the Department of Education issued a rebuttal to the report which tended to discredit the report which had been issued by the committee concerning the comparative education's spending of the various industrialized nations.

Since that time, the Economic Policy Institute has replied with a rebuttal of the Education Department's rebuttal of their study.

I would like to have all three of the studies put in which pertain to where the United States actually stands in terms of education spending. There is a great deal of confusion about it. The charge has been made that it's about 14th or 16th among the industrialized nations. Whether it's the 14th or the 2nd or 3rd, the Chair

would certainly hope that it shouldn't be second to any other nation.

But, in any event, the three reports I think will provide some clarity on the subject matter and perhaps answer some of the questions.

If there's no objection, those three documents will be put into the record of Wednesday's, the 24th of January, which was a hearing in which the first report was made.

If there are no further questions, may the Chair again thank the witnesses. You have been very helpful and I certainly want to convey to the governor or South Carolina, an escapee from this body, our best regards for having recognized the committee and had a representative present today.

To all of you, I wish to certainly thank you.

That concludes the hearing.

[Whereupon, at 11:25 a.m., the subcommittee adjourned.]

[Additional material submitted for the record follows.]

Education and Labor Committee
Augustus F. Hawkins (D-CA), Chairman

News

U.S. House of Representatives • 2181 Rayburn HOB • Washington, D.C. 20515 • (202) 225-4527

The Regulatory Impact on Student Excellence (RISE) Act

Fact Sheet

o The President and Governors have focused on "deregulating" Federal education programs as a means to improving education.

o During the 1980's, Federal programs were "deregulated":

--The Title I program was changed in 1981 to the Chapter 1 program and many regulations were removed;

--The Reagan Administration achieved enactment of a block grant (the Chapter 2 program), thereby eliminating 40 programs;

--The Reagan and Bush Administrations have decided to administer several programs without issuing any regulations for them, e.g. the Drug Free Schools and Communities Act and the Jacob K. Javits Gifted and Talented Education Act; and

--federal data collection was eased as part of the general policy of the Reagan Administration.

o The increase in regulatory burden during the 1980's has occurred through State, not Federal, action. Most States have enacted "school reform" laws which have, for example:

--prescribed more coursework to be completed for a high school diploma;

--imposed mandates for pupil-teacher ratios, course-work, and teacher pay, which have frequently not been fully financed by the State; and

--imposed new testing, assessment, and reporting requirements leading to increased costs of administration and less time for teachers to teach.

o True regulatory relief for teachers and school districts will come about when an objective analysis is made of each State's new requirements, and recommendations are made on how to ease the local burden.

Education and Labor Committee
Augustus F. Hawkins (D-CA), Chairman

News

U.S. House of Representatives • 2181 Rayburn HOB • Washington, D.C. 20515 • (202) 225-4527

Summary of the

Regulatory Impact on Student Excellence (RISE) Act

The bill requires the U.S. Secretary of Education to conduct an assessment of the public schools in each of the States by January 1, 1991, identifying the new Federal or State legal, regulatory, and organizational requirements promulgated since 1980 and assess the impact that such new requirements have on educational practices and available resources at the school district level. The assessment shall also determine whether such requirements have increased or decreased since 1980 and shall identify the reasons for such a change. The Secretary must also make recommendations on how best to simplify the requirements so that more resources can be focused on improving student performance.

The assessment must be submitted to the chief executive officer, chief State school officer, legislative leaders, and major education organizations of each State. A summary report must be submitted to Congress and shall include a chart comparing the findings in each of the States, and shall rank the States according to the degree of regulatory burden.

The Secretary is required to update the assessment by January 1 of each year. The update must illustrate where regulatory requirements have increased or decreased during the previous year.

○

26-620 (84)